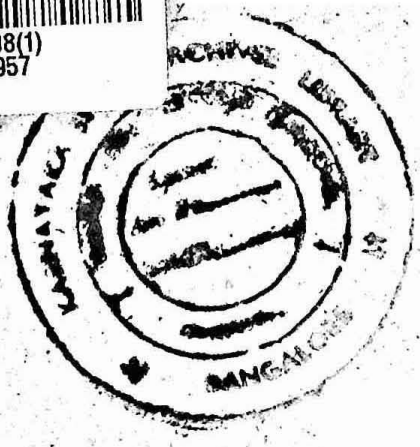
238

Report of the Mysore Tenancy Agricultural Land laws Committee

1958

B.D JETTI

KSA LIBRARY, B'lore
B002408(1)
346.044 ACT 1957
II-34



3)2408

REPORT OF THE MYSORE TENANCY AGRICULTURAL LAND LAWS COMMITTEE

1958

B. D. JETTI

Karnataka State Archives
(Departmental Library)
Accession No. (B) 2408
Date

BANGALORE :
PRINTED BY THE DIRECTOR OF PRINTING, STATIONERY AND PUBLICATIONS AT THE GOVERNMENT PRESS
1958

REPORT OF THE MYSORE TENANCY AGRICULTURAL LAND LAWS COMMITTEE.—1957.

Introduction.

The Mysore Tenancy Agricultural Land Laws Committee was appointed by the Government of Mysore under their Order No. R.D. 30 T.N.C. 57, dated the 10th May 1957 (Appendix I) with a view to examine the existing Tenancy and Agricultural Land Laws and to make suitable recommendations for comprehensive legislation in the matter. The order enumerates the following terms of reference :—

"The Committee shall examine the existing laws and practices in regard to the Land Tenancy in the several areas in the State and consistent with the recommendations of the Planning Commission suggest suitable measures for regulating land tenancies. It shall also examine whether it is feasible to have a common tenancy law in the new State of Mysore. Measures suggested towards this end shall cover, among others, the following matters :—

(*a*) Fixity of rent.

(*b*) Security of tenure.

(*c*) Right of resumption of land by landlords for personal cultivation.

(*d*) Right of purchase by tenants and payment of compensation to landlords.

(*e*) Ceiling extent of land-holdings.

(*f*) Fixing the extent of basic or economic and family holdings and specifying the areas to which they apply.

(*g*) Prohibition of land ownership as a source of income by persons who are not themselves cultivators or by those who do not reside either in the village in which the land is situated or on the farm.

(*h*) Matters relating to the assumption and management or acquisition of lands by Government.

Karnataka State Archives
Departmental Library
(ಇಲಾಖಾ ಗ್ರಂಥಾಲಯ)
ಪುಸ್ತಿ ಕ್ರಮಾಂಕ Accession No. (B) 2408
ದಿನಾಂಕ Date.....

(*i*) Acquisition of land from persons who own the land in a village but who are neither agriculturists nor residents of the village.

(*j*) Restraint on alienation of land in favour of non-agriculturists."

2. In their Order No. R.D. 30 T.N.C. 57, dated the 5th July 1957, Government appointed Shri M. Ramappa, M.L.A., as an additional member of the Committee. The time limit of two months originally allowed to the Committee was extended by two months in Government Order No. R.D.C. 30 T.N.C. 57, dated 29th July 1957.

Procedure.

3. The first meeting of the Committee was held on the 20th May 1957 and it was decided to issue a questionnaire and also to visit representative areas in all the districts with a view not only to ascertaining public opinion in regard to the several matters governed by the terms of reference but also to getting first hand information regarding the manner in which the tenancy legislation already in force in some of the areas was being implemented in practice. The questionnaire (Appendix II) was approved by the Committee on 22nd May 1957 and copies were got printed and distributed widely to the categories of persons and institutions mentioned in Appendix III. The questionnaire was also published in important newspapers. A Press Note was issued intimating that copies of the questionnaire can be got either at the Taluk Offices or from the Office of the Committee. Five thousand replies to the questionnaire have been received.

4. We have visited all the districts of the State and heard representatives of various interests. We had also discussions with the local Revenue officers who are entrusted with the administration of tenancy law. The itinerary of the Committee is given in Appendix IV.

Scheme of the report.

5. Before taking up detailed consideration of the terms of reference we propose to trace in brief the evolution of tenancy legislation in various States in India and also to indicate the position in each of the five areas of the new Mysore State at the time of appointment of the Committee. Chapter I is devoted to a brief account of the progress of tenancy legislation in several States. Chapter II deals with the laws and practices in regard

to land tenancy in the several areas in this State. In Chapter III we have discussed the position in Mysore and the magnitude and nature of the tenancy problem with reference to available data. We have also indicated the basic objectives which have been kept in view in formulating our proposals. Chapters IV to VIII are devoted to detailed consideration of the several terms of reference, either individually or in groups of allied subjects. We have tried to indicate in Chapter IX the factors which are in our opinion responsible for the ineffectiveness of the existing Tenancy laws in the various areas of the State and also to suggest the steps which could be taken to ensure that the benefit of the legislation really accrues to the tenant. Our recommendations on several minor points which have not been covered in the earlier chapters are brought together in the last chapter.

*CHAPTER I

Progress of Tenancy Reforms

The raiyats had an unrestricted right of transfer and subletting in the raiyatwari areas and also in the intermediary areas except the Uttar Pradesh and Madhya Pradesh which had restricted the tenants' right of transfer and the right to sublet. Due to a number of causes lands tended to accumulate in the hands of rent-receiving interests, and tenancy problems on a considerable scale became prevalent.

2. Initially, the intermediaries enjoyed more or less absolute rights and the cultivators were reduced to the status of tenants-at-will. In course of time, as conditions stabilised, rights of permanent and heritable possession and in many cases also the rights of transfer were conferred upon the tenants of the intermediaries. Till recently legislative activity was directed mainly towards protecting the rights of tenants holding land under intermediaries. In the raiyatwari areas legislation for tenancy reforms is of comparatively recent growth. Bombay gave a lead in the matter by enacting the first legislation for tenancy reforms in 1939. A number of other States have enacted legislation for the reform of tenancies since the attainment of Independence.

3. The term 'tenant' has been variously defined in different States. In some States like Bombay, no distinction was made between share-croppers and tenants paying fixed produce rent or cash rent. In others like West Bengal, Assam and Travancore-Cochin, crop-sharers were not treated as tenants. In a large number of States, by custom or practice, persons employed as partners by the land-holders on terms of payment of a share of the produce are not treated as tenants and no tenancy rights accrue to them.

4. Tenancy reform concerns generally the following classes of tenants:—

(1) tenants of home-farm lands in the intermediary areas;

(2) sub-tenants in the intermediary areas;

* This chapter is based on the material available with the Planning Commission.

(3) tenants holding lands from raiyats in the raiyatwari areas;

(4) share-croppers who are in some areas not included in the definition of the term tenant, though they have all the characteristic features of a tenant.

5. The First Five Year Plan contained the recommendations of the Planning Commission regarding—

(1) security of tenure for the tenants;

(2) a right of purchase for the tenants; and

(3) regulation of rents.

The First Plan did not make any distinction between the crop-sharers and the tenants paying fixed produce or cash rent. It has been generally the practice to confer security of tenure on tenants and sub-tenants who have been in possession of land for considerable periods. In West Bengal and Bihar occupancy rights are conferred on under-raiyats who have been in possession of land for a continuous period of 12 years. In Bombay and Hyderabad protected tenancy rights were given to tenants in possession of land for six years. The distinction between 'protected tenants' and other tenants was removed in 1956 by amendment of the Bombay Tenancy Act. The recommendations of the First Plan for conferment of security of tenure applied to all tenants, irrespective of the period of possession.

6. The First Plan recommended security of tenure for tenants subject to the landlord's right to resume a limited area for personal cultivation. In view of the fact that the right of resumption is the core of the problem of security of tenure and the tenants are liable to ejectment to the extent the landlord has the right to resume land for personal cultivation, many of the States have considered it desirable to provide that the tenants are not rendered landless as a result of the landlord's right of resumption. This is achieved in three different ways, *viz.*,

(1) tenants are given the right to retain a minimum holding and the landlords can resume only the land held by the tenants in excess of the minimum holding;

(2) the landholder may resume only a portion of the land leased to tenants;

(3) the landholder may resume land only when the Government has provided some alternative land to the tenant.

In the tenancy legislation undertaken in the various States during the First Plan, the conferment of rights on the tenants is provided for in four different forms, namely—

(i) the landlord is not allowed to resume any land by ejecting tenants and all the tenants holding land on a particular date get permanent and heritable rights;

(ii) the tenant gets the right to retain a minimum holding or a portion of the holding held on lease or obtain alternative area from the Government before he is ejected. In either case an upper limit is fixed to the extent of land which a landholder may thus resume from his tenants;

(iii) although an upper limit on the resumable area is imposed, there is no right for the tenant to retain or obtain a minimum holding or a portion of the holding;

(iv) there is no upper limit and the landholder has the right to eject the tenants-at-will or resume the entire area for personal cultivation.

The First Plan also contained a recommendation that the tenants of non-resumable area should have a right of purchase, the price being determined as a multiple of the rental value of the land and payment being made in instalments. It was also suggested that there is advantage in the Government establishing direct contact with tenants. The Plan also recommended that the rent should not exceed one-fourth or one-fifth of the produce.

7. By the close of the First Five Year Plan period tenancy laws had been enacted in nine Part A States (Assam, Bihar, Bombay, Madhya Pradesh, Orissa, Punjab, Madras, Uttar Pradesh and West Bengal), seven Part B States (Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, PEPSU, Rajasthan and Travancore-Cochin) and five Part C States (Ajmer,

Delhi, Himachal Pradesh, Kutch and Vindhya Pradesh). Andhra State enacted tenancy law during 1956-57. The salient features of the tenancy laws in force in various States are discussed in the succeeding paragraphs.

(1) *Andhra Pradesh.*—The Hyderabad Tenancy and Agricultural Lands Act of 1950 as amended up to 1956 is in force in the Telangana area.

The main features of this Act are discussed in the next chapter.

The Andhra Tenancy Act enacted in 1956-57 is in force in the Andhra districts. This Act provides for fixity of tenure for tenants for a period of six years and for regulation of rent at 50% of the gross produce for irrigated lands and 45% of the gross produce for dry lands.

(2) *Assam.*—Legislation has been enacted for imposition of a ceiling at 50 acres. The law provides for State acquisition of surplus lands. The landlord's right to resume land from tenants has been restricted to two-thirds of the area subject to a minimum of 8 1/3 acres and a maximum of 33 1/3 acres. The maximum crop-share rent has been fixed at one-fourth of the produce where the landlord provided bullocks and seeds and one-fifth when the tenant provided bullocks and seeds.

(3) *Bihar.*—In Bihar, sub-tenancies are still regulated under the Act of 1885. Under this Act an under-raiyat who has held land continuously for 12 years gets the right of occupancy. An under-raiyat who has held land for less than 12 years is liable to ejectment on the expiry of the period of lease if he holds lands under a written lease. An under-raiyat holding land on an oral lease is not liable to ejectment except for non-payment of rent or improper use of land. In view of the large-scale ejectment which followed when the under-raiyats holding land on oral leases tried to assert their rights during the recent survey and settlement operations, legislation was undertaken recently to provide for restoration of under-raiyats ejected since 1953, on application or by the Collector *suo motu.*

The tenants have not been given any right of purchase. The cash rent payable by a sub-tenant was not to exceed by more than 50% the rent payable by the immediate landlord when the rent is payable under registered leases; in other cases 25%. The maximum produce rent is fixed at seven-twentieth of the gross produce excluding bhoosa.

(4) *Bombay.*—The present Bombay State is made up of five areas as follows:—

(i) Maharashtra and Gujarat;

(ii) Marathwada;

(iii) Vidarbha;

(iv) Saurashtra; and

(v) Kutch.

The Bombay Tenancy and Agricultural Lands Act of 1948 with subsequent amendments is in force in Gujarat and Maharashtra. The salient features of this Act are discussed in the next chapter.

The Hyderabad Tenancy and Agricultural Lands Act, 1950 with amendments is in force in Marathwada. The main features of this Act also are discussed in the next chapter.

In Saurashtra the problem is mainly of tenants of intermediaries who have generally been conferred ownership, at the time of abolition of intermediaries. Tenancies in raiyatwari holdings are not regulated.

Kutch.—The original Bombay Tenancy and Agricultural Lands Act, 1948 was made applicable to Kutch but not the subsequent amendments. Hence, the provisions of the Bombay Act regarding the Tillers' Day are not applicable in this area.

Vidarbha.—The Berar Regulation of Agricultural Leases Act of 1951 is in force in Berar and the tenancy provisions of Madhya Pradesh Land Revenue Act, 1954, are applicable in other areas of Vidarbha. In substance, the Berar Regulation of Agricultural Leases Act of 1951 broadly follows the provisions about the protected tenants embodied in the Bombay Tenancy and Agricultural Lands Act of 1948. The provisions of the Madhya Pradesh Land Revenue Act have been summarised in the paragraph dealing with the Tenancy Legislation in Madhya Pradesh.

(5) *Jammu and Kashmir.*—A ceiling was fixed at 22¾ acres in 1950 and the excess land was acquired by the State Government without payment of compensation. Security of tenure has also been conferred by legislation. The tenancy law

provides that where the landlord holds cultivated land exceeding 12½ acres the rent shall not exceed one-fourth the gross produce in the case of wet lands and one-third in case of dry lands. If the landlord holds 12½ acres or less, the rent is not to exceed half the gross produce.

(6) *Kerala.*—In areas which formed part of former Travancore-Cochin State there are (i) Kanam tenants, (ii) Verumpattamdars and (iii) Waramdars (crop-sharers).

The kanam tenants have fixity of tenure. In Travancore area they pay assessment together with the landlords' due to the State. This provision was recently extended to Cochin area also. Thus there is no direct landlord-tenant relationship in the case of kanam tenants. It is not unusual for the kanamdars themselves to constitute a class of landlords.

In Cochin area, verumpattamdars have fixity of tenure. In Travancore area their ejectment has been temporarily stayed. In many cases verumpattamdars also got their lands cultivated by crop-sharers.

Waramdars are not considered tenants in Travancore-Cochin and they are liable to ejectment at the will of the landlord.

Legislation has yet to be enacted restricting the right of resumption and providing for the purchase of the non-resumable area by the tenant. Maximum rent has not yet been fixed.

In the area transferred to Kerala State from Madras, the Malabar Tenancy Act is in force. In this area the maximum rent is half the net produce for wet lands and three times the annual assessment for dry lands.

(7) *Madhya Pradesh.*—In areas where the Regulation of Agricultural Leases Act of 1951 as amended in 1953 is in force, all lessees are given the status of protected lessees in an area not exceeding 50 acres. A protected lessee has a minimum term of five years renewable on application. He is, however, liable to ejectment if the landholder wants to resume land for personal cultivation upto an area of 50 acres. There is no provision for a minimum holding being left with the lessee.

In other parts of former Madhya Pradesh the Land Revenue Code provides for the accrual of occupancy rights to

tenants on lands which have been habitually sub-let, *i.e.*, land which is sub-let for three years in any consecutive period of five years. In other cases tenants hold land from year to year.

In former Madhya Pradesh occupancy tenants have been given the optional right to purchase the land. There is no restriction on the right of purchase and the purchase price payable is seven times the rent for acquiring Bhumidar's rights and ten times the rent for acquiring Bhumiswami's rights. The price has to be deposited with the application. Rent is not regulated.

In areas which formed part of Madhya Bharat sub-letting has been prohibited under the Madhya Bharat Land Revenue and Tenancy Act of 1950.

In the zamindari and jagirdari areas of former Madhya Bharat the existing tenants were given a right of purchase within a period of four years, which was subsequently extended by another two years. Pending purchase they retain their existing status.

In the raiyatwari area of former Madhya Bharat the sub-leases were to have terminated before the expiry of the period of four years, and if any sub-tenant or tenant was allowed to retain he was considered a trespasser. Recently ejectments have also been stayed. There is, however, no provision for the restoration of ejected tenants. The tenants who got the right of purchase have to pay two to eight times the net income to the landlord as purchase price. Rents of existing sub-tenants are not regulated ; rents of sub-tenants admitted in future will be twice the assessment.

The Vindhya Pradesh Land Revenue and Tenancy Act is in force in areas of former Vindhya Pradesh State. It provides for a minimum term of seven years for all sub-tenants. The tenant may purchase an area not exceeding ten acres provided (a) his total holding including area already owned and the area of land which he seeks to acquire does not exceed 30 acres ; and (b) the owner is left with 30 acres. The price payable for purchase is fifteen times the annual rent payable by the sub-tenant and should be paid in prescribed annual instalments not exceeding fifteen. Cash rent is not to exceed four times the land revenue in the case of irrigated land, and two times for other lands. Crop rents should not exceed one-third of the produce in

the case of irrigated lands and one-fourth of the produce in the case of other lands.

Ejectment of tenants has been stayed in former Bhopal State.

(8) *Madras.*—Under the Tanjore Tenants and Pannaiyal Protection Act, 1952, which is in force in Tanjore district, the ejectment of tenants holding lands from persons owning 6 2/3 acres or more of wet lands or 20 acres of dry lands has been temporarily stayed for a period of five years. Tenants of small owners are not protected. In South Kanara District the ejectment of tenants was stayed under the Act of 1954. Under the Madras Cultivating Tenants Protection Act, 1955 the ejectment of tenants in other areas of the State was stayed for one year. This Act was amended in 1956 extending the period of stay of ejectment from one year to three years and also making the Act applicable all over the State except in areas where Malabar Tenancy Act of 1929 is in force. This amendment also conferred on the landlord the right to resume for personal cultivation half the extent of land leased to a tenant provided that the extent of land held by him on 1st October 1956 did not exceed 13 1/3 acres of wet land or its equivalent on the basis that one acre of wet land is equal to 1½ acres of garden land or 3 acres of dry land. Persons who had been assessed to sales-tax, profession tax or income-tax under the laws relating to the levy of such taxes during 1954-55 or 1955-56 cannot resume lands for personal cultivation. The right of resumption is subject to the further condition that it should be limited to such extent as would, along with the extent already held by the landlord either as owner or as tenant or both, would make up an extent of five acres of wet land. The tenants in Madras have not yet been given the right to purchase the non-resumable extent.

Under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, the fair rent has been declared to be—

(i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land where irrigation is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money;

(iii) in the case of any other class of land 33 1/3% of the normal gross produce or its value in money.

In addition the land owner is entitled to one-fifth of the straw or stalk of all the crops.

The rent is enhanced to 40% even in case of lands mentioned in (ii) and (iii) above if water is lifted by pumpsets installed at the cost of the land owner. The tenant has to bear all the maintenance charges and the land owner the charges for repairing the pumpsets.

The Act is not applicable to tenants who own or who cultivate either as owner or as tenant or as both an extent of land in excess of 6 2/3 acres of wet land or its equivalent. The Act is not also applicable to any land during the period when such land is used for raising as main crop sugar cane, plantain or betel vines or any crop which does not give any yield for a continuous period of two years or more from the time of cultivation and also to contracts merely for the collection or harvesting of the produce of any kind.

(9) *Mysore.*—The position in Mysore is discussed in the next chapter.

(10) *Orissa.*—The ejectment of tenants of owners of 33 acres or more had been stayed under the Tenants Protection Act, 1948. The Tenants Relief Act, 1955 provides for the stay of ejectment of all tenants subject to the owner's right to resume up to 7 acres of wet land or 14 acres of dry land for personal cultivation. The condition that the tenant should be left with a minimum extent after such resumption has not yet been incorporated in the Act. Tenants have not been given any right of purchase in the non-resumable area. The cash rent payable by a tenant is not to exceed by more than 50 per cent the rent payable by the immediate landlord, when the rent is payable under a registered lease; in other cases the margin allowed is only 25 per cent. The produce rent is not to exceed $\frac{1}{4}$th of the gross produce or value thereof subject to a maximum of 4 maunds of paddy per acre in case of dry lands and 6 maunds in case of wet lands.

(11) *Punjab.*—In the Punjab, the owners are permitted to resume up to 30 standard acres (50 standard acres in case of displaced owners). A tenant cannot be ejected from a minimum area of 5 standard acres unless he is allotted alternative land by the State Government. In order to obtain land for allotment to ejected tenants, provision has been made in the

law for declaring surplus, the lands held by an owner under personal cultivation exceeding 30 standard acres (50 standard acres in case of displaced owners). The surplus area will be at the disposal of the State Government for being allotted to ejected tenants or those who may be ejected. A tenant has also the right to purchase the non-resumable area provided he has held the land continuously for not less than six years. He has to pay three-fourth of the average market value prevailing during the preceding ten years. This amount is payable to the landlord in six-monthly instalments, their number not exceeding ten. The maximum rent is one-third the gross produce.

Legislation enacted in 1953 for the former PEPSU area provides that a land owner who holds 10 standard acres or less is entitled to resume all the area from his tenants. If he holds more than 10 standard acres, he is entitled to resume half the area owned, subject to a minimum of 10 standard acres and a maximum of 30 standard acres. There is no provision for tenants of owners of 10 standard acres and under, retaining a minimum holding or a portion of the holding. The owner's right to eject a tenant has, however, been kept in abeyance temporarily. Although letting in future is not prohibited, once a landlord lets his land (after six months of the commencement of the Act of 1953) he will have no right to resume. The tenant had also been given a right to purchase the non-resumable area. The price payable under the 1953 Act is 90 times the land revenue subject to a maximum of Rs. 200 per acre and the tenant is allowed to pay this in not more than six annual instalments. The maximum rent fixed by statute is one-third the gross produce.

The ceiling in former PEPSU area is 30 standard acres (40 standard acres for displaced persons). The excess land is to be acquired by the State Government on payment of compensation. There is also provision for grant of permanent rights to tenants in continuous possession for 12 years.

(12) *Rajasthan.*—The tenants of intermediary's home-farm and sub-tenants are entitled to retain a minimum holding with an annual net income of Rs. 1,200 (exclusive of the cost of labour of the tenant or sub-tenant and his family) in which they have been given permanent and heritable rights. The land-holder can resume the entire area in excess of the minimum holding. Where, however, any land was under the personal

cultivation of the landowner continuously for five years prior to 1948-49, the land-holder has the right to eject the tenants from such lands to resume an area up to 30 acres of irrigated land or 90 acres of unirrigated land including land already held under personal cultivation. There is no provision for a minimum holding being left with tenants in such cases. All tenants other than tenants on lands which were under personal cultivation of the landlord for five years immediately prior to 1948-49 are given the right to purchase an area not exceeding a minimum holding (*i.e.* an area with a net annual income of Rs. 1,200).

The price payable by the tenant for purchasing the non-resumable extent is fixed as a multiple of the rent for unirrigated and well irrigated lands and as a fraction of the market value in the case of other irrigated lands. The price payable is as follows :—

Unirrigated lands (including dehri, salabi and tank land).	Ten times the annual rent.
Well irrigated lands ..	Fifteen times the annual rent.
Other irrigated lands :—	
In case of tenants in possession for not more than 6 years.	Fifty per cent of market value.
Between 6 to 12 years ..	Thirty-five per cent of market value.
Above 12 years ..	Twenty-five per cent of market value.

plus cost of improvement other than well.

The price is payable in annual instalments not exceeding six in number. The maximum rent is fixed at one-sixth of the gross produce.

In the intermediary areas of Ajmer, the Ajmer Land Reforms Act of 1955 provided for the conferment of ownership rights on—

(1) sub-tenants holding land for 3 years or more;

(2) tenants of home-farm lands holding for 3 years or more from proprietors who own 8 standard acres or more.

In the khalsa area of Ajmer under the Tenancy Act of 1950, security of tenure was conferred on tenants but not on sub-tenants and tenants of home-farm lands.

The ex-proprietary, occupancy and hereditary tenants can purchase the entire area held by them as tenants, subject to payment of price equal to 12 times the annual rental value calculated at sanctioned rates applicable to hereditary tenants. The amount has to be paid within the period allowed by the Collector.

The maximum rent has been fixed at one-eighth the produce in the case of ex-proprietary tenants, one-sixth in the case of occupancy tenants and one-fifth in the case of other tenants. In the non-khalsa area the rent payable by sub-tenant is not to exceed 1½ times the assessment.

(13) *Uttar Pradesh.*—Under the Uttar Pradesh Zamindari Abolition and Land Reforms Act security of tenure has been conferred on all tenants and sub-tenants (with the exception of those who hold from persons suffering from a disability) and they have been brought into direct relationship with the State. The State is to recover rent from tenants and sub-tenants. The compensation is being paid in bonds, which will be redeemed in instalments, payment being made out of the increased revenue of the State.

The law prohibits all leases in future, exemptions being made in favour of those who are suffering from a disability such as women, minors, persons serving in the Armed Forces, etc.

The law, however, permits 'Sajhedari'. The expression 'Sajhedari' has been defined as an arrangement whereby a person is entitled to a right merely to share in the produce grown on the land in consideration of such person assisting or participating with the land-holder in the actual performance of agricultural operations. A person who thus assists a land-holder in the cultivation of land is not considered a tenant and he does not get any rights in the land.

As mentioned earlier, all tenants and sub-tenants in Uttar Pradesh have been brought into direct relationship with the State. They have the option to acquire bhumidari (transferable) rights by paying 10 times the rent in a lump sum or 12

times the rent if paid in four six-monthly instalments. The rent payable by sub-tenants is not to exceed twice the hereditary rent rate.

(14) *West Bengal.*—There are three classes of tenancies, namely :—

(1) Under-raiyats with a right of occupancy (some with full rights of occupancy and others with a limited right of occupancy).

(2) Under-raiyats without a right of occupancy.

(3) Bargardars (crop-sharers).

Under-raiyats with 12 years' possession get the right of occupancy, *i.e.*, permanent and heritable rights. Under the Estate Acquisition Act, the Government have the powers to bring the few under-raiyats without a right of occupancy into direct contact with the State.

Bargardars were not regarded as tenants and their rights were regulated by the Bargardars Act of 1950. They could be ejected if the landlord desired to resume the land for personal cultivation. There was no limit for resumption. The Land Reform Law passed by the Legislature recently provides for the following—

(1) a ceiling of 25 acres ;

(2) limiting the landlord's right to resume for personal cultivation to two-thirds of the area provided, however, that if the landlord holds less than the area to be prescribed he may resume the entire area ; and

(3) if the landlord fails to bring the land under personal cultivation or gives it to another bargardar within two years of resumption, the holding becomes liable to sale at which the original bargardar has the first option. There is no provision in West Bengal conferring on the tenant the right to purchase the non-resumable extent.

Till recently the rents in West Bengal were as follows :—

Crop sharers using their own bullocks were required to pay one-third of the gross produce to the landlord (after making an allowance for seed) and two-thirds

where bullocks and implements were provided by the landlord. Under the Land Reforms Law passed recently by the State Legislature the produce of the land is to be divided between the landlord and bargardar in the ratio of 50 : 50 when the landlord contributes the cost of cultivation and 40 : 60 when the bargardar meets it.

In the case of under-raiyats the rents are not regulated; but if a landlord applies for enhancement, the enhanced rent, if payable in cash, is not to exceed one-third of the value of the gross produce, and if payable in produce, half of such produce.

A ceiling has been fixed both on future acquisition and on existing holdings at 25 acres.

(15) *Delhi.*—The Delhi Land Reforms Act, 1953 provides for conferment of ownership on all tenants and sub-tenants with the exception of those who hold lands from persons suffering from a disability. The compensation has to be fixed at rates varying from 20 to 40 times the land revenue and will be recoverable from the tenants and sub-tenants generally in instalments spread over a period of ten years.

In Delhi only small owners who hold an area of less than 8 standard acres are permitted to lease their lands in future; others can lease lands only if they are suffering from a disability. The tenants who may thus be admitted will hold land for a minimum term of five years. The maximum rent is not to exceed one-fifth of the gross produce.

(16) *Himachal Pradesh.*—In Himachal Pradesh, every tenant is entitled to retain at least three-fourths of the area leased. The landlord may resume the remaining one-fourth subject to a maximum of five acres. The purchase price payable is 48 times the land revenue and rates and cesses for non-occupancy tenants: and this can be paid in ten instalments spread over 5 years. The maximum rent is fixed at one-fourth of the gross produce.

In Manipur the ejectment of tenants has been stayed temporarily.

8. From the foregoing account, it will be clear that there is no uniformity in the provisions contained in the various enactments on the four principal aspects of the tenancy reforms, *viz.*,

(*a*) security of tenure;
(*b*) right of purchase;
(*c*) rate of rent; and
(*d*) ceiling on holdings.

Security of Tenure.—In Uttar Pradesh and Delhi all tenants and sub-tenants have been given permanent rights. In Bombay, Punjab, Rajasthan, and Himachal Pradesh security of tenure has been conferred on tenants subject to the landlord's right to resume land for personal cultivation. Tenants will, however, retain a minimum holding or a portion of their holding. Bombay, Punjab, PEPSU and Rajasthan have also imposed an upper limit to the extent of land which can be resumed by the landlord for personal cultivation. The Hyderabad Tenancy and Agricultural Lands Act, 1950 prescribes not only a maximum limit for resumption by the owner but also a minimum extent to be ordinarily left with the tenant. In Assam, Orissa and Jammu and Kashmir an upper limit has been fixed to the land which a landlord may resume for personal cultivation but there is no provision for a minimum being left with the tenants. In Andhra, Bihar, Kerala, Madhya Pradesh, Madras, and West Bengal, the landlord's right of resumption of land for personal cultivation is restricted either by prohibiting resumption before the lapse of a definite period or in respect of some class or classes of tenants. Madras and West Bengal have also got a maximum limit to the extent which can be resumed.

Right of Purchase.—In Uttar Pradesh and Delhi tenants can get full ownership on payment of compensation, which is equal to 10 times the rent in Uttar Pradesh and varies from 4 to 40 times the land revenue in Delhi. In Bombay all tenants (other than tenants of persons who own one economic holding or less and have an income of Rs. 1,500 or less) were entitled to purchase the non-resumable area not exceeding three economic holdings. The tenants are deemed to have become owners on 1st April 1957. A tenant who is not willing to purchase ownership or commits default in payment of four instalments becomes liable to ejectment. Optional rights of purchase have been granted to tenants in Madhya Pradesh (including Madhya

Bharat and Vindhya Pradesh), Punjab (including PEPSU), Rajasthan (including Ajmer), and Himachal Pradesh. In the Telangana area of Andhra Pradesh also the protected tenants can purchase up to one family holding.

The compensation payable to the owner and the mode of payment vary from State to State (*vide* Appendix V).

Rate of Rent.—In Andhra Pradesh, Assam, Bihar, Madras, Orissa, Punjab, West Bengal, Jammu and Kashmir, Rajasthan, Delhi and Himachal Pradesh, produce rents have not been prohibited. The quantum of rent varies from one-sixth the gross produce to half the gross produce. In Uttar Pradesh and Bombay, and in parts of Andhra Pradesh (Telangana area) and Madhya Pradesh (Madhya Bharat) area the maximum rent is based on the assessment.

Ceiling on Holdings.—Ceiling on future acquisition as well on existing holdings has been imposed in Assam, West Bengal, Telangana area of Andhra Pradesh, Jammu and Kashmir, PEPSU area in the Punjab and Himachal Pradesh. Ceiling is operative in respect of future acquisition (including resumption from tenants) in Bombay, Uttar Pradesh, Madhya Bharat area of Madhya Pradesh and Delhi.

*9. *Progress in other countries.*—The existence of tenancy is not peculiar to India or the Asian countries. Tenancy problem has cropped up in varying degrees in all the older countries of the world. It is only in the comparatively newly settled countries of United States of America, Canada, New Zealand and Australia that tenancy has been found to be comparatively unimportant and comprehensive legislation considered unnecessary, the tenants themselves holding a favourable bargaining position.

In China : Taiwan, Japan and Pakistan, legislation providing security of tenure, including the right to compensation and control of rents has been introduced recently as part of the general programme of agrarian reform. The new legislation prohibits labour or personal service and other onerous conditions, as for instance, compulsory sales of produce to the landlord.

---

*This account is based on the information contained in the United Nations publication "Progress in the Land Reforms".

These measures affect large number of cultivators and are designed to improve security of tenure, to increase the cultivator's share in the produce of the land and to improve his social status. The Burmese Land Nationalisation Act of 1948 provides for landlord compensation and large-scale redistribution of land to farmers. Vietnam, Philippines and Nepal are other Asian countries which have tackled the tenancy problem by controlling rent.

In Japan the 1946 Owner-Farmer Establishment Law has transferred nearly 80 per cent of all tenant land to owner occupancy and 92 per cent of the land is now held by owner-farmers. Under this law the Japanese Government was commissioned to buy the bulk of all land holdings above 2.45 acres owned by absentee landlords and above 7.35 acres held by owner-cultivators. The latter provision affected only about 18,000 of Japan's 57,00,000 farms, and many of these 18,000 farms were exempted under a provision enabling an owner-cultivator to retain land in excess of the 7.35 acres limit if he did not employ hired labour or if sub-division would reduce the productivity of the land. The law provided that Government should purchase the land directly from the owner and resell it to the tenant. The purchase price of land for Government purchase and resale to the tenant was fixed within the limit of forty times the 1938 rental value for paddy fields and 48 times for upland farms. These rates correspond to the market value of the land in 1946 when the reform law was enacted. The purchasers were required to pay the price of the land in 30 years by annual instalments, with interest at 3.2 per cent. The purchaser could make a single payment, if he so desired. Government paid for the land purchased by the issue of agricultural land bonds bearing interest at 3.5 per cent redeemable in yearly instalments over 22 years.

About 8 per cent of the land in Japan still continues to be cultivated by tenants. Conditions of tenancy in such lands are as follows :—

(1) Leases must be written and must include the period of lease, rate of rent and other particulars ; a copy has to be presented to the Municipal Agricultural Commission.

(2) Rents in kind are not permitted and thus share-cropping is not allowed. Rent must be paid in cash only.

(3) Landlords may not terminate or cancel leases or give notice that they will not be renewed, without obtaining prior approval of the prefectural governor, and giving six months' to one year's notice. Conditions under which the prefectural governor may give his approval are prescribed by the law.

(4) The rent ceiling is fixed, in accordance with the classification of the land, by the Municipal Agricultural Commission with the approval of the prefectural governor. The rent is based on the farm income required to give the tenant fair and proper profit as a farm operator.

Transfers of agricultural land and leases require approval by authorities and this strengthens the position of the tenant cultivator, since transactions are not approved which convey the ownership of tenant-land to any person but the tenant or members of his family, or which establish an intermediary lease-hold. No lease contract is approved which does not include the right of the tenant to compensation for improvements.

In Western Europe legislation for the protection of tenants has long existed and has been subject to continuous amendment and improvement. There has been considerable progress in recent years and as a result of the enactment and enforcement of new legislation tenants now enjoy a high degree of security.

In the Middle-East -aparat from Israel which has a unique system of land settlement—tenancy of various type including share-cropping is a predominant form of tenure. The majority of cultivators appear to enjoy little security. The share-croppers who form a large proportion of the farm population are particularly affected.

In many Latin American countries, the agrarian structure is characterised by extreme inequality in the distribution of land ownership. This affects relations between landlord and tenant and adds to the insecurity of tenure. In many of these countries, the problem is stated to be primarily one of increasing the security of the squatter, who cultivates a piece of land without any right to it, rather than the security of the tenant-cultivator, who at least has some protection in his lease. The squatter having no right and no protection has no incentive to good farming; on the contrary he has every inducement to follow soil-exhausting practices.

Under the indigenous tenures which still prevail over the large part of Africa large land ownership does not exist. Hence problems of insecurity and high rents do not arise.

The enforcement of land reform laws has been entrusted to special administrative machinery, separate from courts, in China: Taiwan, Japan, Pakistan and Phillippines.

Karnataka State Archives,
(Departmental Library)
(Accession No.)
ಪುಸ್ತಕ ಕ್ರಮಾಂಕ Accession No (B) 2408
ದಿನಾಂಕ Date.....

CHAPTER II

Evolution of Tenancy Laws in the areas now included in Mysore State

1. The new State of Mysore which came into existence on 1st November 1956 includes the following five areas, namely :—

(i) Bombay area comprising the present districts of Dharwar, Belgaum, Bijapur and North Kanara from the former Bombay State,

(ii) Hyderabad area comprising the present districts of Raichur, Gulbarga and Bidar from the former Hyderabad State,

(iii) Madras area made up of the present South Kanara district and Kollegal taluk from the former Madras State,

(iv) The area which was formerly the State of Coorg, and

(v) The Mysore area comprising the districts of Bangalore, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Chitaldrug, Bellary, Tumkur and Kolar from the former Mysore State.

2. At the time of formation of the new State the Bombay Tenancy and Agricultural Lands Act of 1948 as amended up to 31st October 1956 was in force in the Bombay area. The Hyderabad Tenancy and Agricultural Lands Act of 1950 as amended up to the end of October 1956 was in force in the Hyderabad area. The Madras Cultivating Tenants Protection Act of 1955 became effective in Kollegal taluk in 1955 and was extended to South Kanara district also by the Amending Act of 1956 which repealed the South Kanara Cultivating Tenants Protection Act, 1954. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 had come into force in the Madras area on 1st October 1956. There was no tenancy law in the Coorg area. The Mysore Tenancy Act, 1952 was in force in the Mysore area.

3. In this chapter we propose to examine these existing tenancy laws in the several areas of the State. It will help a clear understanding of the position in various areas in respect of each of the important aspects of tenancy legislation.

I—Bombay Area

Bombay Tenancy Act, 1939.

4. Prior to 1939 there was no law in Bombay State regulating the relations between landlords and tenants except section 83 of the Bombay Land Revenue Code. With a view to providing protection to tenants the Bombay Tenancy Act of 1939 was enacted. For the first time, the Act gave to the tenants fixity of tenure, protection from rack-renting and from eviction and rights to house sites and trees.

It introduced a new concept, *viz.*, " the protected tenant." A tenant who had held land continuously for a period of not less than six years immediately preceding 1st January 1938 became a protected tenant. Under the Act no lease could be for less than 10 years. Rent was limited to the agreed rent or rent payable according to usage or to ' reasonable ' rent as determined by the Mamlatdar in case of dispute. A protected tenant's tenancy could be determined by the landlord only when the tenant failed to pay rent, sub-let or sub-divided the land, used it for non-agricultural purposes or did any act injurious to the land. In case of a protected tenant's death his tenancy continued to his heirs if the latter so desired. The landlord had, however, a right to resume the land from a protected tenant for personal cultivation.

By the time the Act came into force, the popular Ministry which piloted the measure had resigned and the Act was not applied all over the Bombay State. It was applied in the districts of Surat, Thana, West Khandesh and Dharwar from 1st April 1941.

5. In 1946 the Act was amended to provide for the following matters :—

(1) the rate of rent was not to exceed in the case of irrigated land 1/4 of the crop or its value and in case of other land 1/3, and

(2) every lease subsisting on the appointed day was to be deemed to be for 10 years.

The Act so amended was applied to the whole of Bombay State with effect from 11th April 1946. In the administration of the Act, however, some defects were noticed. In order to

remedy them and also further to improve the position of the tenants comprehensive legislation called the Bombay Tenancy and Agricultural Lands Act, 1948 was passed.

The Bombay Tenancy and Agricultural Lands Act of 1948.

6. The new Act of 1948 retained all the beneficial provisions of the Act of 1939 and added other provisions.

The relation between landlords and tenants was sought to be settled by the new Act by—

(1) giving to tenants security of tenure, reasonable rent and right to trees and house sites ;

(2) providing for commutation of crop-share into cash ; and

(3) abolition of various cesses, haks, etc., of an obnoxious nature.

Efficient cultivation of land was sought to be achieved by—

(1) prohibiting sub-letting or sub-division ;

(2) encouraging joining of co-operative societies ;

(3) assuming management by Government of land-holders' estates in case of dispute between the land-holders and tenants or for ensuring fuller utilisation of lands :

(4) prohibiting transfer of agricultural land to non-agriculturists and determining priorities in the matter of transfer of lands ;

(5) enabling a protected tenant to purchase land from the landholder at a reasonable price payable in instalments ;

(6) assuming management of land lying uncultivated for any two cultivating seasons ;

(7) assuming any estate or land under management ; and

(8) restricting resumption of land held by a protected tenant by a landholder for personal cultivation.

The Act recognised three categories of tenants, namely :—

(1) permanent tenants ;

(2) protected tenants ; and

(3) ordinary tenants for 10 years.

Certain tenants cultivating the land continuously for a period of not less than 6 years immediately before the dates specified in the Act were recognised as protected tenants; and the protected tenants were given special rights to purchase lands at a reasonable price to be determined by the Tribunal. The price was generally to be the market price and payable in a lump sum or in ten instalments within 15 years. A protected tenant had also a right to exchange his tenancy. His tenancy right was heritable.

The landlord's right to terminate the tenancy of a protected tenant for personal cultivation was further circumscribed. He could not resume land for personal cultivation—

(1) if he had been cultivating personally other land measuring 50 acres or more; but if land so cultivated by him was less than 50 acres he could resume land so as to make up the holding of 50 acres; and

(2) further, if such a tenant had become a member of a co-operative farming society.

If the landlord failed to cultivate the land personally within one year it was to be restored to the evicted tenant. The tenant was entitled to compensation for the improvements effected by him, on the termination of his tenancy.

The maximum rate of rent was fixed statutorily by the Act of 1948 also at 1/3 and 1/4 of the produce for non-irrigated and irrigated lands respectively. Government had power to fix a lower rate of maximum rent. By notification dated 17th October 1952 the maximum rate of rent was reduced to 1/6 of the crop or its value, irrespective of the fact whether the lands were irrigated or not.

7. The Act of 1948 was amended in 1952. The important clauses introduced by the Amending Act are—

(i) provision for the purchase of land by the tenant on payment of price in instalments,

(ii) restriction of the right of the landlord to evict the protected tenant only to cases where the income from the land to be resumed was the main source of income of the landlord for his maintenance.

The Act also laid down that only persons in whose names the land stood on 1st January 1952 could evict a protected tenant. In addition the Amending Act introduced for the first time a new concept of 'agricultural holding'. It means 16 acres of jirayat land or 4 acres of irrigated or paddy or rice land.

As regards the extent of land which could thus be resumed for personal cultivation, he could resume the entire area leased in case he held an agricultural holding or less as defined above; but if his holding was larger in size he could resume not more than half the area leased to the tenant. There could be no further resumption from the land so left with the tenant.

The Bombay Tenancy and Agricultural Lands (Amendment) Act, 1955.

8. The working of the Act of 1948 disclosed certain defects and difficulties. It was also found to be inadequate to translate into practice the ideas of economic holding and ceiling which held the field as the most important means of solving the agrarian problem of the country. The Planning Commission also in the meanwhile had made recommendations regarding the absolute limit to the extent of land which any individual may hold as also to the effect that the existing tenants should be given occupancy rights subject to the landlord's right to resume a limited area for personal cultivation. Major changes in the tenancy law were therefore made by the Amending Act of 1955.

The salient points introduced by the Amending Act are as follows:—

(1) The Amending Act defines the 'ceiling area' and 'economic holding'. An economic holding will be (*a*) sixteen acres of jirayat land, or (*b*) eight acres of seasonally irrigated or paddy or rice land, or (*c*) four acres of perennially irrigated land. The ceiling area will be 3 times this.

(2) The distinction between protected and ordinary tenant was removed, putting the latter on the same footing as the former.

(3) No person in future whether as owner or tenant or both would be able to hold land in excess of the ceiling area. This restriction does not however apply to the land personally cultivated immediately before the appointed day.

(4) Maximum and minimum limits of rent are fixed. The rent would not be less than twice, nor exceed 5 times the assessment or Rs. 20 per acre whichever is less, the tenant paying land revenue and other Government dues. The total payment by the tenant was however limited to 1/6th of the gross produce.

(5) On and with effect from 1st April 1957 to be known as the Tillers' Day every tenant whether permanent, protected or otherwise would be deemed to have purchased from the landlord land held by him as tenant free of all encumbrances subject to the condition that he cultivated the land personally and certain other conditions. But this will not apply to the lands leased by a person who does not hold more than an economic holding and whose annual income from all sources including the rent of the land does not exceed Rs. 1,500. The purchase price would be between 20 and 200 times the assessment and payable in either a lumpsum or in instalments within a maximum period of 12 years with simple interest at 4½ per cent.

(6) All lands so purchased by tenants would be non-transferable except with the previous sanction of the Collector.

(7) In the event of the death of a tenant the tenancy will continue to his heirs.

(8) The landlord's right to terminate the tenancy for personal cultivation has been further restricted by the following important conditions:—

(a) A notice of termination should be given before 31st December 1956.

(*b*) And in no case can a tenancy be terminated in such a manner as will leave with the tenant less than half the area leased to him.

Ordinance of 11th March 1957 and Mysore Act 13 of 1957.

9. On the 11th March 1957, an Ordinance was issued suspending the operation of the provisions of the Bombay Act relating to resumption by landlords and purchase by tenants and also requiring that all surrenders should be registered in the Mamlatdar's Office. This Ordinance was subsequently replaced by Act No. XIII of 1957. By virtue of the suspension of these provisions, the right of landlord to resume land for personal cultivation as well as the provisions whereby the tenant became the owner of the holding under certain circumstances are kept in abeyance.

II—Hyderabad Area.

10. Broadly speaking Hyderabad had two types of land tenures, namely (1) khalsa or diwani lands under the direct management of Government and (2) non-khalsa lands the revenue of which had been wholly or partly assigned for some special purpose. The latter comprised (*a*) sarf-e-khas lands (Nizam's property) and the jahgir or Inams. The sarf-e-khas lands comprising 1961 villages were merged in Diwani in 1949. Diwani lands as well as most of sarf-e-khas lands are generally held on pure raiyatwari tenure; there are not therefore many intermediaries between the Government and the actual tiller of the soil as in the zamindari estates. Still, as the recognised occupants were not obliged to cultivate personally their lands, certain inferior tenures developed. They are known as potpattedari, shikmidari and asami shikmi (tenants-at-will). In non-khalsa area however, which covered the jahgirs and Inams, the tenancy problem was more acute. The Jahgirdars did not concede occupancy rights to their cultivators, being anxious to treat all cultivators as mere tenants so that they could enhance rent.

11. Till 1945 when the Hyderabad Asami Shikmi Act was passed, there were mainly two kinds of tenants, (1) shikmidars and (2) asami shikmidars. Shikmidars were permanent tenants and possessed rights similar to the pattadars. Asami shikmidars were tenants responsible to the holders for payment of rent. After 12 years of continuous tenancy they could be deemed to be shikmidars, but in practice no tenant could prove such a period of continuous possession. Rents also differed. They consisted of (*a*) batai or crop share, (*b*) money rent and (*c*) fixed grain rent.

12. The Hyderabad Government appointed a Tenancy Committee which recommended that the Bombay Tenancy Act of 1939 should be accepted as the model since it was a "just and mild enough measure". As a result, the Hyderabad Asami Shikmis Act of 1945 was enacted. The Act gave fixity of tenure to all new tenants for 10 years, and empowered Government to fix maximum rates of rent. A class of tenants was declared as protected and granted permanency of tenure subject only to the payment of lawful rent.

The Hyderabad Tenancy and Agricultural Lands Act, 1950.

13. The appointment of the Hyderabad Agrarian Reforms Committee in 1949 was a land-mark in the history of land reforms

in Hyderabad. On the basis of the recommendations of this Committee the Hyderabad Tenancy and Agricultural Lands Act of 1950 was enacted. The main objects of this Act were to improve the status of tenants, to impose a limit on the size of holdings, to abolish absentee landlordism and to encourage preservation of lands in the hands of genuine agriculturists.

The Act largely followed the Bombay Act with the result that several of its provisions are similar to those of the Bombay Tenancy and Agricultural Lands Act, 1948.

The Act recognised 2 categories of tenants, (1) protected tenants, and (2) Asami Shikmis. All tenants who had cultivated lands continuously for 6 years within the prescribed period were declared as protected tenants and special rights and privileges were conferred upon them including the right to purchase the land held by them on easy terms.

The Act generally prohibits any lease of land after 3 years from the commencement of the Act except in the case of minors, women, persons with physical or mental disability, and those serving in the Naval, Military or Air Forces. All leases made within these 3 years would be for 10 years. Sub-division and sub-letting of lands are prohibited.

The Act also introduced the concept of an 'economic holding' as a new yard-stick. The minimum area of land which would enable a cultivator to maintain an average family of 5 persons including himself in reasonable comfort was defined as an 'economic holding' and no person who held more than 5 times the size of economic holding was allowed to acquire more land.

Maximum rent was limited to 1/3 of the crop or its value in the case of irrigated land except land under wells and 1/4 in the case of unirrigated land or irrigated land under wells.

The Act contains provisions similar to those of the Bombay Act regarding protected tenancy, right to trees, house sites and dwelling places, remission and suspension of rent, termination of tenancy under certain conditions and management of uncultivated or improperly cultivated lands.

The Act has another distinguishable feature namely, the use of compulsion for the formation of co-operative farming societies. If an application is made to the Registrar of Co-operative Societies by any ten or more persons of a village or two or more contiguous villages holding between them 50 acres or more for the formation of a Co-operative Farming Society, the Registrar has to make inquiries and grant a certificate of registration. Provision has also been made for the formation of a co-operative farm of uneconomic holdings, if not less than two-thirds of the total number of landholders holding rights is not less than 2/3 of such holdings in a village or contiguous villages apply jointly for the formation of a co-operative farm.

The Hyderabad Prevention of Evictions Ordinance of 1952.

14. In the light of experience gained, the Act of 1950 was amended by the Amending Acts, XIII and XXIII of 1951. With a view to stopping the large-scale eviction of tenants in which landholders started indulging, the Hyderabad Prevention of Evictions Ordinance was promulgated in August 1952 for (1) staying all suits claiming relief through eviction of tenants, and (2) for restoring possession to tenants evicted after 21st March 1952. The Ordinance lapsed in January 1953.

Tenancy Records.—During 1951-52 and 1952-53, tenancy records were prepared with a view to consolidating the position of protected and ordinary tenants. In token of recognition of protected tenancy rights, certificates were distributed. Similarly shikmidari records were prepared and shikmidari certificates distributed impressing on both landlords and tenants that the tenancy rights had come to stay.

The Hyderabad Tenancy and Agricultural Lands (Amendment) Act, 1954.

15. In the meanwhile the Planning Commission made recommendations for further progressive measures to be taken in regard to land policy. In order therefore further to improve the status of tenants and to provide for the implementation of the recommendations of the Planning Commission, the Hyderabad Tenancy and Agricultural Lands Amending Act of 1954 was passed.

The salient features of the Amending Act are as follows :—

(1) Family holding.—Instead of " the economic holding," the unit of a " family holding " was devised as a new yard-stick for the administration of land reforms. The term ' family holding ' is defined as representing an extent of land which can be cultivated by a family of 5 members and which will yield a net annual income of Rs. 800.

(2) *Rent.*—In addition to reasonable rent being prescribed as 1/4 or 1/5 of the produce, maximum limits to rent were fixed in terms of multiples of land revenue. The maximum limits would be 3 or 4 times the land revenue for wet lands which are irrigated by wells or irrigated by other sources respectively. In the case of dry land the rent would be 4 times for chalka soil and 5 times for black cotton soil or bagayat land. The tenants have the option to pay rent in cash or in equivalent produce.

(3) *Personal cultivation.*—The extent of land which could be resumed for personal cultivation from a protected tenant was reduced and resumption was allowed subject to the following conditions :—

(*a*) A landlord may resume upto 3 times the family holding provided he had filed with the Deputy Collector a statement of reservation demarcating the land so reserved.

(*b*) After such resumption a protected tenant should be left with an area which together with the land owned by him or cultivated by him as protected tenant is a basic holding; if not, the landlord's right to terminate the tenancy would be limited to half the area leased by him to the protected tenant. Where, however, the land owned by the landholder does not exceed a basic holding, he will be entitled to resume the entire area leased by him. The landholder cannot resume more than a family holding unless the income of such land will be the main source of his income for his maintenance.

(*c*) The right of such termination shall cease after five years.

(4) *Future acquisitions.*—A ceiling has been put on future acquisitions of land at three times the family holding.

(5) *Purchase by tenants.*—The price which a protected tenant has to pay is 15 times the rent for dry land, 8 times for wet land irrigated by wells and 6 times for wet land irrigated by other sources. The price is payable either in a lumpsum or in not more than 16 instalments during a period of 8 years.

(6) The extent of land which a protected tenant can compel a landholder to sell in this way is limited to a family holding including any land that he may already own, subject however to the condition that an area not less than twice the family holding will still remain with the landholder.

(7) It is obligatory that voluntary surrenders of tenancies should be admitted and certified before the Tahsildar.

(8) Standards for efficient cultivation are to be prescribed.

(9) There is a ceiling on existing holdings also. The law provides for State assumption of management or State acquisition of land which is under the personal management of an owner and is in excess of 4½ family holdings. Exemption has been given to farms which are so efficiently managed that their break-up would lead to a fall in production. The compensation for such lands will be a recurring payment of rent and a lumpsum for other losses. Implementation of this provision was taken up in the areas in which a notification for transfer of ownership to tenants has also been issued, (*i.e.*, Yadgir sub-division of Gulbarga district).

(10) Section 38E has given power to Government to declare by notification that ownership of all lands held by protected tenants in a specified area stood transferred to and vested in the protected tenants. The protected tenants would thus be deemed to be full owners of such lands. The former Hyderabad Government had issued a notification introducing this provision in Yadgir Sub-Division of Gulbarga district now included in Mysore State.

Ordinance of 11th March 1957 and Mysore Act 15 of 1957.

16. An Ordinance was issued on 11th March 1957 suspending the provisions relating to the landholder's right to terminate protected tenancy and also staying all proceedings, whether for termination of tenancy or for resumption of land which were pending on 11th March 1957. Surrenders of lands were required to be verified before the Tahsildar and registered in his office. The Ordinance also contained a provision that all the lands

surrendered by a tenant, in excess over the extent which, along with the extent already in the holding of the landlord would make up three family holdings should be taken under Government management and leased out to Co-operative Farming Societies, agricultural labourers, landless persons and other agriculturists in that order. The Ordinance has been replaced by the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957.

III—Mysore.

17. Before the enactment of the Mysore Tenancy Act, 1952 the rights of tenants were regulated by the Mysore Land Revenue Code, 1888. According to the Code there were two classes of tenants with permanent rights, namely, kadim tenants only in alienated lands (inam lands) and permanent tenants in both alienated lands and un-alienated lands (Government villages).

Kadim tenants are tenants who pay only land revenue.

Permanent tenants are tenants—

(1) who have held the land from antiquity, or

(2) who were in continuous possession on a fixed rent for 12 years and there was no contract regarding the nature or duration of the tenancy, or

(3) who were recognised as such by the landlord or by a Court, or

(4) who had made permanent improvements and were in continuous possession for 12 years, or

(5) who had exercised the right of transfer (which the landlord did not repudiate).

Apart from these special classes of tenants, all the other tenants were tenants-at-will.

18. The Mysore Tenancy Act, 1952 and the Rules thereunder gave a small measure of security to certain tenants :—

(1) tenants in possession at the commencement of the Act were given a further period of 5 years from the commencement of the Act and were liable to ejectment at the end of this period unless the landlord allowed them to continue ;

(2) tenants who had been in continuous possession for a period exceeding 12 years before April 1, 1951, were given further security inasmuch as the landlord could eject them on the ground of personal cultivation only from a part of their holding. The landlord could resume half the area of a tenant holding 10 acres or less ; in the case of tenants holding more than 10 acres, from 50 to 75 per cent of the tenancy area.

Both these kinds of tenants were liable to ejectment on the following grounds :—

(1) sub-division of land ;

(2) sub-letting the land ; or failure to cultivate it personally (except in the case of a tenant who is a widow or a minor or suffering from a disability);

(3) leaving the land fallow ;

(4) using the land for purposes other than agriculture ;

(5) failure to pay rent ;

(6) act destructive or permanently injurious to the land.

RENT.

The maximum rent was not to exceed one half of the produce or its value.

This Act of 1952 was originally introduced in a few selected areas and was made applicable throughout the State of Mysore except Bellary district from 1st January 1954.

The Act was made applicable in Bellary district also in 1955. Originally the Act provided that the maximum rent was not to exceed $\frac{1}{2}$ and also gave power to Government to fix a lower rate of maximum rent. In exercise of this power Government issued a notification in March 1955 fixing maximum rent at one-third the produce in Maidan area and one-fourth in Malnad area.

Even this Act was amended by an Ordinance dated 11th March 1957 continuing all leases where the period of 5 years had expired and also requiring that surrenders of land should be in writing and duly verified and registered in the office of the Amildar. The land surrendered was to be taken under Government management and was to be leased out in the following order, *viz.*, Co-operative farming societies, agricultural labourers, landless people and other agriculturists.

The Mysore Tenancy (Second Amendment) Bill, 1954.

19. The Government of the former State of Mysore had in October 1954 introduced in the Legislature a Bill for amending the Mysore Tenancy Act, 1952. The salient features of this Bill were as follows :—

(1) Instead of two categories of tenants as in the Act of 1952, there would be 3 categories after the amendment, namely—

(*a*) *Protected tenants.*—Protected tenants were those tenants who had held land continuously for a period not less than 9 years before April 1, 1951 and who had cultivated the land personally during this period.

(*b*) *Non-protected tenants.*—Non-protected tenants were those tenants who had held land continuously for a period not less than 5 years ; and

(*c*) Ordinary tenants.

(2) *Rights of various classes of tenants.*

The general grounds for ejectment remained unchanged except that the tenants would not be liable to ejectment on the ground of sub-division.

(3) *Protected tenants.*—Protected tenants were liable to ejectment on the ground that the landlord *bona fide* required the land—

(i) for personal cultivation, or

(ii) for non-agricultural use up to one-fourth of the permissible holding.

Permissible holding was equal to 25 standard acres. Where the landlord held the land on behalf of himself and other members of his family, the permissible holding would be 25 standard acres for each member of his family subject to a maximum of 100 standard acres.

In determining the area which a landlord can resume from protected tenants, the area already cultivated personally by him or leased to a tenant other than a protected tenant should be taken into account. Further, the income by the cultivation of such land should be the main source of income of the landlord for his maintenance. This condition, however, did not apply to lands resumed for non-agricultural use.

(4) *Non-protected tenants.*

Non-protected tenants may be ejected by one year's notice on the ground of the landlord's requiring the land for personal cultivation upto one permissible holding. The condition that the land was required by the landlord as the main source of his income for his maintenance applied in this case also. The ejected tenant was entitled to restoration if the landlord did not cultivate the land personally within 2 years.

(5) *Ordinary tenants.*

All other tenants were given a minimum term of 10 years instead of 5 years as in the Act and were liable to ejectment at the end of the period ; if, however, the landlord allowed them to hold over, their term would extend to another period of 10 years. They were also liable to ejectment on one year's notice in exercise of the landlord's right of resumption in the same way as non-protected tenants.

(6) *Right of purchase.*

Protected tenants and non-protected tenants (but not ordinary tenants) were entitled to purchase the landlord's rights on payment of the market value either in a lumpsum or in instalments not exceeding 6 and spread over a period not exceeding 10 years. This right of purchase was subject to two conditions, namely—

(*a*) that the total land which the tenant could purchase (including the land held in his possession as owner) was 25 standard acres ; and

(*b*) the total area remaining with the landlord after the purchase would not be less than the permissible holding, (*i.e.*, from 25 standard acres to 100 acres).

After the purchase by the protected tenant or non-protected tenant, the tenant had no right to transfer the land by sale, gift, etc.

(7) *Maximum rent.*

According to the Act of 1952, the maximum rent was $\frac{1}{2}$ of all the crops raised on the land. According to the Amendment, it was not to exceed $\frac{1}{4}$ of the main crop raised on the land or its value.

(8) *Other changes.*

(*a*) A tenant could at any time apply for determination of the reasonable rent, but under the Amendment a period of limitation was now to be prescribed. Under the Act reasonable rent once fixed remained in force for the remainder of the tenancy. Under the Amendment it was to be open to revision after 5 years.

(*b*) If the landlord of a dwelling house site desired to sell it, the tenant who had built the dwelling house was to be given a notice by the landlord asking him if he wished to purchase the site. The tenant was to answer to the notice within 3 months; the Amendment reduced this period to 1 month.

Under the Act the tenant could purchase the site only on the terms offered by the landlord; but he could according to the Amendment apply to a Revenue Court to determine the market value.

(*c*) A similar notice was to be given to the tenant by the landlord if he desired to sell the land leased to the tenant. The landlord was to decide the price. Under the Amendment Bill if the tenant wished to purchase the holding but was not willing to pay the price demanded by the landlord, he could apply to the Assistant Commissioner for determining the market price. He could also pay the market price within 3 months instead of one month as mentioned in the Act.

(*d*) Under the Act the landlord was required to give a receipt for rent only on the written request of the tenant. He is under the Amendment required to give receipts in all cases. The form and manner of receipt was to be prescribed under the Act; but according to the Amendment the landlord could give it in any form.

(*e*) The interest of the potected tenant was made heritable according to a restricted table.

(*f*) The protected tenant was entitled to compensation for improvements made by him.

(*g*) Transfers made by the landlord after the Amending Bill came into force were not to affect the right of any protected or non-protected tenant to purchase the land or the landlord's right to terminate the tenancy for personal cultivation.

20. The Bill had not completed all the necessary stages for becoming law up to the time of States reorganisation.

IV—South Kanara District and Kollegal Taluk.

21. In South Kanara district and Kollegal taluk the Madras Cultivating Tenants Protection Act of 1955 and Madras Cultivating Tenants (Payment of Fair Rent) Act of 1956 were in force. The main features of these Acts have already been mentioned in chapter I.

The provisions of the Madras Cultivating Tenants Protection Act relating to the resumption of land by landlords has also been suspended by an Ordinance dated 11th March 1957. The Ordinance also lays down that surrenders by tenants in the area governed by Madras Act, 1956 should be in writing and should be admitted before the Tahsildar who should satisfy himself that it is made in good faith and then register the surrender in his office. The lands surrendered will come under Government management and are to be leased out to co-operative farming societies, agricultural labourers, landless persons and other agriculturists in that order.

V—Coorg.

22. There was no tenancy law at all in Coorg upto 11th March 1957 when the Coorg Tenants Ordinance was promulgated. This Ordinance and the Coorg Tenants Act which replaced it are interim measures. They provide that the maximum rent should not exceed 1/3rd of the crop and that landlords should not evict tenants. Surrenders are to be made only in writing and verified before the Subedar and registered in his office. Lands surrendered by tenants will be taken under Government management and leased out to co-operative farming societies, agricultural labourers, landless persons and other agriculturists in that order.

VI—General.

23. The above discussion makes it clear that there is not only great divergence in the objectives proposed to be achieved by the tenancy laws in force in various areas but also in the degree to which even the accepted objectives are implemented. Only in the Bombay Act do we find any measures for the implementation of the objective of conferring ownership of the land on all tenants. The Hyderabad Act confers an optional right on one class of tenants, *viz.*, protected tenants to purchase the

land held by them. There is also a provision in that Act empowering Government to declare that ownership of lands shall stand transferred to protected tenants from a specified date and in the specified area. Madras and Mysore Acts have not yet made any provision for the conferment of ownership on tenants.

24. Similar divergence exists even as regards security of tenure. The Mysore Act considers it adequate to lay down that all leases should run for a minimum period and that permanent tenants, who have held land continuously for a period exceeding 12 years can be evicted only on the ground that the landlord requires the land for personal cultivation. The Madras Act, though a transitory measure, permits eviction of tenants only on the ground that the land is required for personal cultivation by the landlord and in addition to limiting the extent of land which can be so resumed to five acres of wet land or its equivalent area, renders it impossible either for a substantial holder (person owning or having as tenant land in excess of 13 1/3 acres of wet land) or for a person having a reasonable income from non-agricultural sources (as indicated by his being assessed to sales-tax, income-tax or professional tax) to resume land from a tenant. The provisions in the Bombay and Hyderabad Acts are more detailed and are intended to secure the two-fold objectives of (i) ensuring that the tenant is left with some land after resumption by the landlord, (ii) that the extent of land which can be held for personal cultivation by persons who were not cultivating all their lands personally, does not exceed a ceiling limit.

25. The maximum rent fixed by or under the law also varies from area to area. In Bombay area only cash rents are allowed and these cash rents are to be fixed as a multiple of the assessment. The total payment to be made by a tenant as rent and towards Government dues is limited to 1/6th of the produce. In Hyderabad area produce rents are allowed and the reasonable rent is fixed as one-fourth of the average annual produce of the land for irrigated land except well irrigated land and one-fifth in other cases. The reasonable rent is subject to maximum limit fixed in terms of the land revenue. In Mysore and Madras areas also produce rents are allowed. In Mysore area the maximum rent is one-third the produce in Maidan tracts and one-fourth in Malnad tracts. In Madras area the fair rent varies from 33 1/3 per cent of the produce to 40 per cent of the produce.

26. Ceiling for future acquisition of land by resumption from a tenant is in force in Bombay, Madras and Hyderabad

areas. Ceiling for future acquisition otherwise than by resumption is in force in Bombay and Hyderabad areas. Ceiling for personal cultivation has been imposed only in the Hyderabad area.

27. Provisions regarding prohibition of land ownership as a source of income by persons who are not themselves cultivators, for the resumption and management or acquisition of lands by Government, and for preventing alienation of land in favour of non-agriculturists find a place only in the Bombay and Hyderabad Acts.

CHAPTER III

Tenancy Problem in Mysore and the Committee's Approach

The description of the country's land distribution pattern as consisting " of numerous small holdings, a large proportion of them being uneconomic, a small number of middle peasants and a sprinkling of substantial owners " applies to the pattern in Mysore State also. There are 24.6 lakhs of holdings in this State comprising 267.8 lakhs of acres (*vide* Appendix VI). The average size of a holding is 10.87 acres. 99.44% of the holdings are below 100 acres and these make up 89.80% of the extent. Nearly two-thirds of the holdings are below 10 acres and the total area of such holdings is just a quarter of the total extent. Holdings between 10 acres and 100 acres constitute nearly 30% of the total number and the area included in them is 65% of the total extent. 0.44% of the holdings are in the group of 100-200 acres and comprise 5.36% of total extent. Holdings above 200 acres comprise 4.84% of the extent, though their number is only 0.12% of the total number. The largest number of holdings is in the size group of 2.5 to 5 acres.

Though the average holding is 10.87 acres for the State as a whole, the district average varies from 3.59 acres in North Kanara district to 16.68 acres in Gulbarga district.

2. Out of the total area of 267.8 lakhs of acres 206.4 lakhs of acres are under personal cultivation. 61.4 lakhs of acres or 22.95% of the land is cultivated by tenants. The percentage of land under tenant cultivation varies from district to district (Appendix VI-A). Hassan district has the smallest proportion (2.84%) under tenant cultivation. South Kanara district with 65.86% under tenant cultivation has the largest proportion. The percentage for the State excluding South Kanara would be 20.6. The percentage of land leased out increases with the size of the holding, as will be clear from the following figures :—

Range of size of holdings.	*Percentage of land leased out.*
Below 15 acres	14.93
15-25 acres	15.94
25-50 acres	22.45
50-100 acres	24.59
Above 100 acres	50.21

Lands owned by persons with more than 100 acres account for 22.3% of the total extent of 61.40 lakhs of acres leased out to tenants.

3. Accordng to the 1951 Census (*vide* Appendix VII) 71.2% of the total population is dependent on agriculture in the areas included in the new Mysore State. 47.6% is principally sustained as owner-cultivators, 9.3% as tenant cultivators, 10.9% as agricultural labourers and 3.4% as rent receivers. Within the agricultural population itself, 67% are owner-cultivators, 13% tenant cultivators, 15% agricultural labourers and only 5% rent-receivers. Man-land ratio is 1.76 acres of sown area per head of total population or 2.47 acres of sown area per head of agricultural population.

South Kanara (55.69%) and North Kanara (55.71%) districts have got the largest proportion of tenants out of agricultural population while Hassan (3.32%) has got the least proportion of tenants.

4. From the foregoing analysis it will be clear that the agricultural economy of the State largely approaches the ideal of peasant proprietorship. Only 28% of the people working on land are landless and the owner-cultivators are more than 13-fold the rentier classes. 99.44% of the holdings comprising 89.80% of the area will not exceed the ceiling if it is 100 acres. The provisions of tenancy law will affect only the rentier classes and persons with large holdings. The total number of these is only 3.4% of the total population. The tenant class numbering 9.3% of the total population will not only gain economic security and social status, but will also have greater incentive to produce more. The importance of the last mentioned item cannot be belittled in view of the fact that nearly a quarter of the land is under tenancy.

Basic Objectives of Tenancy Reforms.

5. The objectives of land reform programme set out in the Second Five Year Plan have as their background the need to enhance the capacity of Indian agriculture to provide the surplus needed to support industrial development. This need as well as the wider economic considerations on which the fulfilment of the Second Five Year Plan depends both lead to the consclusion

that a substantial increase in agricultural production, diversification of the agricultural economy and the building up of an efficient and progressive system of agricultural production are among the most urgent tasks to be accomplished. The objectives arising against this background are summed up as follows in the Plan.

"Firstly, to remove such impediments upon agricultural production as arise form the character of the agrarian structure and secondly, to create conditions for evolving as speedily as may be possible an agrarian economy with high levels of efficiency and productivity. These aspects are inter-related, some measures of land reform bearing more directly on the first aim, others to a greater extent on the second. Thus, the abolition of intermediaries and the protection given to tenants are intended to give the tiller of the soil his rightful place in the agrarian system and, by reducing or eliminating burdens he has borne in the past, to provide him with fuller incentives for increasing agricultural production. Similarly, to bring tenants into direct relation with the State and to put an end to the tenant-landlord nexus are essential steps in the establishment of a stable rural economy. In the conditions of India large disparities in the distribution of wealth and income are inconsistent with economic progress in any sector. This consideration applies with even greater force to land. The area of land available for cultivation is necessarily limited. In the past rights in land were the principal factor which determined both social status and economic opportunity for different groups in the rural population. For building up a progressive rural economy, it is essential that disparities in the ownership of land should be greatly reduced. In view of the existing pattern of distribution and size of agricultural holdings, redistribution of land in excess of a ceiling may yield relatively limited results. Nevertheless, it is important that some effective steps should be taken in this direction during the Second Five Year Plan so as to afford opportunities to landless sections of the rural population to gain in social status and to feel a sense of opportunity equally with other sections of the community. Reduction of disparities in the ownership of land is also essential for developing a co-operative rural economy, for, co-operation thrives best in homogeneous groups in which there are no large inequalities. Thus, programmes for abolishing intermediary tenures, giving security to tenants and bringing tenants into direct relationship with the State

with a view to conferring ownership upon them are steps which lead to the establishment of an agrarian economy based predominantly on peasant ownership."

6. Ideas of tenancy legislation are fast changing. This is reflected in the frequency with which the tenancy laws are being recast. These rapid changes have affected the enforcement of law also. It is noticed that in spite of new legislation on the statute book, the old practices still obtain in the field. There are also gaps in the laws which render them ineffective. The anxiety to balance meticulously the respective interests of the landlord and the tenant has resulted in the laws becoming complicated and beyond the understanding of the common peasantry. Attempts by legislation "to harmonise the relations between landlords and tenants and not to widen the gulf between them" have thus practically failed. The only remedy to safeguard the position of the tenants appears therefore to be to end the tenant-landlord relationship.

7. Any scheme of tenancy reforms should also encourage increase in agricultural production to meet the demands of the fast increasing population of the country. The limit for bringing new lands under cultivation having been almost reached, intensive cultivation would be the only means to achieve increased production. The existence of tenancy hampers intensive cultivation. The landlord is not always interested in improving the land. He generally prefers to invest his resources to extend his holding rather than improve it. The tenant on the other hand lacks both the capital as well as the incentive to make improvements. The increase in personal cultivation resulting from the elimination of the landlord-tenant relationship will therefore make a substantial contribution towards larger production.

We cannot also ignore the expectation raised in the minds of the landless population of receiving land through redistribution. The large mass of landless population would acquire security and increased bargaining power, apart from a higher social status and greater employment, by attaining the status of landholders through schemes of redistribution.

8. These two objectives, namely, (1) elimination of the landlord-tenant relationship and (2) redistribution of land to satisfy the aspirations of the landless have mainly inspired our recommendations contained in the succeeding chapters.

9. The practical considerations which have weighed with us cannot be expressed better than has been done in the following quotation from the United Nations publication on the Progress of Land Reforms, released in 1954.

> "The problems of tenant security are evidently very different in the advanced countries and in the under-developed countries. In some of the more advanced countries the problem now is to reconcile a high degree of security for the tenant farmer with the efficiency of the farming system. In the under-developed countries the problem is to introduce protection for the tenant and to make it effective.
>
> "A similar contrast appears in regard to rent control. In advanced countries a degree of rent control which reduces rents considerably may cause the land-owner to cease to fulfil his functions in maintaining the fixed capital of the farm, and may favour inefficient farming. In the under-developed countries the problem is to reduce exorbitant rents to levels sufficient to enable the cultivator to make a living."

10. We have recognised that in a State comprising areas which had far advanced in the field of tenancy legislation as well as areas where tenancy law was almost unknown, it may become immediately necessary to tone down the law in some respects in the advanced areas to facilitate uniform development all over the State.

CHAPTER IV

LEASES

In this chapter we propose to examine how far the objectives of complete elimination of the tenant-landlord relationship can be achieved immediately. This objective requires that all existing tenants should disappear either by themselves becoming owners or by giving up the lands in favour of owners. There should be no leases in future. But the balance of advantage would lie, for the present, in allowing leases under certain exceptional circumstances. There are lands owned by persons suffering from a disability such as a minor, a widow or unmarried women, or a person suffering from a physical or mental disability. In these cases it would not be fair to insist on the owners taking up personal cultivation within a stipulated time on the penalty of losing their lands. It would not be in the interests of national defence to insist that persons serving in the defence forces should take up personal cultivation. Leases have to be permitted in these cases in future also with adequate safeguards regarding security of tenure and fair rent.

2. We have given anxious consideration to the question whether landholders of any other category may be permitted to lease out their lands. The Hyderabad Tenancy and Agricultural Lands Act, 1950, while prohibiting future leases in general, allowed as a special case leases by landholders holding less than three family holdings. Future leases are prohibited in Uttara Pradesh and Delhi. Though there was no such prohibition in PEPSU, the landlord could not resume the land once it was leased.

3. It is generally agreed that too large a proportion of our population is now dependent on agriculture and that it is necessary to relieve the pressure on land by stimulating migration from rural to urban areas. This is specially true of the small holders with less than a family holding, as the income from land cannot give them any satisfactory standard of living. These persons may not think of migration at all if they are to be compelled to part with their land before leaving the village. If leases are permitted in such cases there will be less hesitance on the part of the small holder to try his hand at avocations other than agriculture. Hence we recommend that small holders owning not more than a family holding may also be allowed to lease out their lands.

4. To prevent abuse of this concession we would recommend that only small holders (owning not more than a family holding) whose total income from all sources including the rent of the land in question does not exceed Rs. 1,200 should have the benefit of this exemption.

5. *Future leases.*—All leases to be made in future should be in writing and a copy should be filed with the prescribed authority unless registered under the Indian Registration Act. The leases should run indefinitely and be terminable only if the owner requires the land for personal cultivation and the usual conditions for the resumption of land for personal cultivation are fulfilled. In order to ensure that a tenant taking these lands on lease has a sense of security for a minimum period, no such lease should be terminable before the expiry of five years on the application of the landlord. The land would be resumable even after this period of five years only through the tenancy courts, after notice of two years terminating with the year of tenancy. In the case of lands owned by minors, widows and unmarried women and persons under physical or mental disability, the right of resumption should lapse if it is not exercised within a period of five years from the date the disability ceases. A person serving in the defence forces may be allowed to resume land for personal cultivation within five years from the date of his retirement or discharge and not later.

6. *Existing Leases.*—The next question will be the treatment of existing leases so as to achieve the main objective of securing maximum personal cultivation. It would not be correct to declare all tenants holding land on a specified date as owners. Some of the lessors may belong to the categories of owners who could lease out lands even in future. Also some of the tenants may be in possession of large extents either as owners or as tenants or as both and the limit to holdings would have to apply in such cases. Further, it may not be equitable to deprive the owners who leased out their lands when there was no restriction on leases, of an opportunity to take up personal cultivation within a reasonable time. All these considerations weigh with us in recommending a limited right of resumption to the owner, the lease continuing in respect of the resumable area as long as the right of resumption subsists.

7. *Resumption for personal cultivation.*—The laws in force in Bombay, Hyderabad and Madras areas have imposed

restrictions on the landlord's right of resumption for personal cultivation. Under the Mysore Tenancy Act, 1952, restrictions are placed on the right of resumption only when a tenant was holding land for more than 12 years. In other cases the tenancy is terminable on expiry of the stipulated period. According to Bombay Tenancy and Agricultural Lands Act of 1948 as amended up to 1956, a landlord can resume for personal cultivation so much land as will make the area in his possession reach the ceiling limit, provided that his income from the land to be so resumed would be his main source of income for his maintenance and that the land was shown in his name on 1st January 1952. In any case half the area leased to the tenant must remain with him after the resumption. Section 44 of the Hyderabad Tenancy and Agricultural Lands Act similarly provides that a land-holder who is not already cultivating personally an area equal to three family holdings can resume for personal cultivation so much land from a protected tenant as would make the total land personally cultivated by him equal to three family holdings. But the resumption will be subject to the condition that after such resumption at least a basic holding will remain with the protected tenant; in case however the land-holder does not himself own more than a basic holding he may resume the entire area leased and where after resumption a protected tenant is left with less than a basic holding the land-holder can resume only up to half the area leased. According to Section 4A of the Madras Cultivating Tenants Protection Act, 1955 as inserted by the Amending Act of 1956, a landlord can resume for personal cultivation land up to one-half of the leased area; but he cannot so resume a greater area than would along with the area already in his possession as owner or tenant or both make up five acres of wet land. Resumption is not allowed (a) if the landlord on the date when the Amending Act came into force owned more than 13 1/3 acres of wet land, or (b) if he had been assessed to any sales tax, profession tax or income tax during 1954-55 or 1955-56.

8. The landlord's right to terminate the tenancy on the ground that the land is required for personal cultivation is subject to varying degrees of restrictions in other States also.

In Uttar Pradesh and Delhi all tenants and sub-tenants have been given permanent rights.

In Uttar Pradesh the tenants have been brought into direct relationship with the State without any payment and they have become State tenants.

In Delhi the law provides for conferment of ownership on all tenants who will be required to pay compensation.

In the Punjab, Rajasthan and Himachal Pradesh security of tenure has been conferred on tenants, subject to the landlord's right to resume land for personal cultivation. Tenants will however retain a minimum holding or a portion of their holding as follows :—

Punjab and PEPSU.—Tenants retain upto five standard acres from which they can be ejected only if alternative land is provided by the State Government.

Rajasthan.—Tenants will generally retain a minimum holding with a net income of Rs. 1,200.

Himachal Pradesh.—Tenants retain three-fourths of the area.

Subject to this condition of a minimum holding or a portion of the land held on lease being left with the tenant, the landlord's right to resume land for personal cultivation is limited to the following extent in—

Bombay.—Three economic holdings (between 12 and 48 acres). No resumption is permitted from permanent tenants.

Punjab.—Thirty standard acres.

PEPSU.—Thirty standard acres—Permanent tenant cannot, however, be evicted from an area of 15 standard acres.

Rajasthan.—Thirty to ninety acres (including lands already under personal cultivation) in cases where the landlord had under personal cultivation continuously for five years prior to 1948-49 ; in other cases the entire area in excess of the minimum holding which is to be retained by the tenant.

In the following States an upper limit has been fixed on the land which a landlord may resume for personal cultivation, there being no provision for a minimum holding being left with the tenant.

Assam.—In case of Adhiars—two-thirds of the area owned subject to a minimum of 10 acres and maximum of 33 1/3 acres. In other cases—two-thirds of the area owned subject to a minimum of 8 1/3 acres and maximum of 33 1/3 acres.

Orissa.—Seven to fourteen acres.

Jammu and Kashmir.—All tenants who have held land in in 1955 have been given protected rights. Landlords have a right to resume from protected tenants areas varying from two to six acres provided however that where the holding of a landlord exceeds four acres of abi or six acres of khushki in Kashmir and six acres of abi or eight of khushki in Jammu, the protected tenant will have to be left with a minimum area of two to six acres.

In other States where tenancies are regulated, the security of tenure conferred on tenants is as follows :—

Andhra.—Tenants have been provided with security of tenure for six years.

Bihar.—Sub-tenants holding land on oral leases have security of tenure. Others holding on written leases get occupancy rights if the land is held continuously for 12 years.

Madhya Pradesh.—Occupancy rights accrue in habitually let out lands, that is, lands let for three years in a consecutive period of five years.

West Bengal.—The under-raiyat has been brought into direct contact with the State. The law for bargardars is that the landlord may resume two-thirds of the area. If he owned less than $7\frac{1}{2}$ acres he may resume the entire area. Other forms of tenancies are not permitted.

Kerala.—In Cochin area tenants have permanency of tenure. Eviction of all tenants, including crop-sharers, has been temporarily stayed.

Manipur.—Ejectment has been temporarily stayed.

9. The Second Five Year Plan recommends the principle that the owner's right of resumption should be regulated by the circumstances not only of the owner himhelf but also of the tenant. The basic idea underlying the recommendations of the Plan on the right of resumption is that the tenant should be left with some land after resumption by the owner. The only exception is where the owner himself is in no better economic circumstances

than the tenant, the extent owned bring less than a basic holding. We are in full agreement with the recommendations of the Plan and would therefore suggest as follows :—

(*a*) An owner who owns less than a basic holding may resume the entire area for personal cultivation.

(*b*) A person who holds land exceeding a basic holding but less than a family holding should be permitted to resume for personal cultivation one-half of the area held by the tenant but in no event less than a basic holding.

In the case of owners, whose holdings fall between one family holding and the limit prescribed for personal cultivation, the main consideration is that a minimum area should always be left with the tenant. It is proposed that—

(i) Where the land owner has under his personal cultivation land which exceeds a family holding but is less than the ceiling limit, he may have the right to resume for personal cultivation, provided that—

(*a*) his tenant is left with a family holding, and

(*b*) the total area obtained by the owner together with the land already under his personal cultivation does not exceed the ceiling ; and

(ii) if the land owner has less than a family holding or no land under his personal cultivation, he may be allowed to resume one-half the tenant's holding or an area which, together with the land if any under his personal cultivation, makes up a family holding, whichever is less, provided that the tenant is left with not less than a basic holding.

No person who is already personally cultivating land in excess of the ceiling for personal cultivation should be allowed to resume land from his tenants. A person whose holding exceeds the ceiling may be allowed to resume up to one-half of the land leased out to a tenant, subject to the condition that the tenant is left with not less than a basic holding.

The resumption in all cases, however, should be so regulated that the land resumed from all the tenants holding under the landlord in question together with the extent, if any, under his personal cultivation does not exceed the ceiling. The right of

Karnataka State Archives
(Departmental Library)
ಕರ್ನಾಟಕ ರಾಜ್ಯ ದಾಖಲೆಗಳು
(ಇಲಾಖಾ ಗ್ರಂಥಾಲಯ)
ಪುಸ್ತಿ ಕ್ರಮಾಂಕ Accession No. (B) 2408
ದಿನಾಂಕ Date.....

resumption should further be qualified as in the Bombay Act by the condition that the income from the land to be resumed should be the main source of the landlord's income for his maintenance.

10. It is desirable that the area which the landowner wants to resume should be demarcated as speedily as possible. Such demarcation would enable the tenant to know the land from which he cannot be evicted and he will have an incentive to improve it. Landlords should be required to file, within one year from the date of notification of the extent of the 'family holding' in the local area concerned, statements of reservation demarcating the lands reserved for resumption. The authorities empowered to issue certificates of reservation should ensure that the land left with the tenants would not be inferior in soil, value and irrigation facilities and the tenants should also be heard before the demarcation is finally allowed. If more tenancies than one are held under the same landlord, the landlord should demarcate the land for resumption so as to terminate only the tenancy or tenancies which are the shortest in point of duration.

It is also desirable to prescribe that the applications for resumption and for being put in possession should be filed within a period of three years from the date of issue of notification of the extent of the family holding for the local area concerned. This time limit need not apply to small holders (persons owning less than a family holding).

Over the resumable area the tenant should have a heritable but not permanent or transferable right. He must also have the right to make improvements.

Personal Cultivation.

12. As the right of resumption can be exercised only when the land is required for personal cultivation, it becomes necessary to define precisely the term personal cultivation. The definition in the Bombay Tenancy and Agricultural Lands Act 1948 reads as follows:—

> "to cultivate personally" means to cultivate land on one's own account—
>
> (i) by one's own labour, or
>
> (ii) by the labour of any member of one's family, or

(iii) under the personal supervision of oneself or any member of one's family by hired labour or by servants on wages payable in cash or kind but not in crop share, being land the entire area of which—

(*a*) is situate within the limits of a single village, or

(*b*) is so situated that no piece of land is separated from another by a distance of more than five miles, or

(*c*) forms one compact block:

Provided that the restrictions contained in clauses (*a*), (*b*) and (*c*) shall not apply to any land—

(i) which does not exceed twice the ceiling area,

(ii) up to twice the ceiling area, if such land exceeds twice the ceiling area.

Explanation I.—A widow, or a minor, or a person who is subject to physical or mental disability, or a serving member of the armed forces shall be deemed to cultivate the land personally if such land is cultivated by servants, or by hired labour, or through tenants.

Explanation II.—In the case of a joint family the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family".

The definitions in the Mysore and Hyderabad Acts are substantially the same except that there is no condition regarding the location of lands. The Madras Act contains a simple definition that " a person is said to carry on personal cultivation on a land when he contributes his own physical labour or that of the members of his family in the cultivation of that land".

Definitions in the Madhya Bharat, Saurashtra, Ajmer and Vindhya Pradesh Acts are similar to that in the Hyderabad Act with minor variations of detail. In Rajasthan supervision through a manager or agent is allowed. In the Punjab, land would be regarded as personally cultivated even if payment is made as a share of the produce provided that the cultivation is carried on under the occupant's supervision. In PEPSU even the condition of supervision is not included.

13. The Second Plan enumerates the three principal elements of personal cultivation, *viz.*, the risk of cultivation, personal supervision and labour. The Plan suggests that the expression "personal cultivation" should be so defined as to provide for the entire risk of cultivation being borne by the owner and personal supervision being exercised by the owner himself or by a member of his family. It is also pointed out that for the supervision being effective the owner or the supervising member of his family should reside, during the greater part of the agricultural season, in the village in which the land is situated or in a nearby village within a distance to be prescribed. Though the plan recognises that performance of minimum labour as an element of personal cultivation presents difficulties in practice, there is a suggestion that cultivation by personal labour may be provided for when resumption for personal cultivation is claimed. We are of opinion that there is no need to insist on personal labour so long as the entire risk of cultivation is borne by the owner and personal supervision is exercised by the owner or a member of his family residing during the greater part of the cultivation season in the village where the land is situated or in a nearby place. We agree that unless some limit of distance is prescribed for residence, the supervision cannot be really effective. We propose that the nearby place where the owner or the supervising member of his family resides should not be more than 10 miles distant from the land. Where, however, there is no inhabited village within the distance of 10 miles, the person cultivating the land may reside in the nearest inhabited village. For purposes of personal cultivation, the guardian of a minor or person suffering from mental or physical disability, should be deemed to be a member of the family.

Rent.

14. The need for regulation of rent arises from the accepted principle that 'the more a man gets from his own production, the more incentive he has'. Rack-renting was the principal evil sought to be remedied by the earlier tenancy legislation in the different parts of the country. The first attempt made in this direction in any part of this State was in 1940 in Dharwar district where the Bombay Tenancy Act, 1939 was brought into effect as an experimental measure. The Act was extended to the remaining three districts of Bijapur, Belgaum and North Kanara in 1946. The Hyderabad Asami Shikmis Act of 1945

gave power to the Government to fix the maximum rent. Regulation of rent was first introduced in the former Mysore State by the Mysore Tenancy Act of 1952. In South Kanara district and Kollegal taluk there was no statutory maximum for the rent up to 1st October 1956. Rents were not regulated in Coorg till the promulgation of the Coorg Tenants Ordinance in March 1957.

15. The maximum limits laid down by or under the enactments have also been undergoing reduction progressively. The quantum of rent in Bombay was reduced from one-third for unirrigated lands and one-fourth for irrigated lands to one-sixth for all the lands in 1952. The rent has since been fixed between 2 and 5 times the assessment by the Amending Act of 1955, the tenant paying land revenue and other Government dues. The Hyderabad Act originally fixed the reasonable rent at one-third and one-fourth, but the rent has since been reduced to one-fourth and one-fifth under the Amending Act of 1954. This Amending Act also fixes the maximum limit for rent as a multiple of the land revenue, the multiple varying from 3 to 5, Government dues being paid by the landowner. In former Mysore State the maximum rent was originally fixed at one-half of the produce and in 1955 it was reduced to one-third in the Maidan tracts and one-fourth in the Malnad tracts. The maximum fixed under the Madras Act varies from 33 1/3 per cent to 40 per cent of the normal gross produce. Maximum rent in Coorg has been fixed at one-third of the produce. The table given in Appendix VIII shows that elsewhere in India and the maximum rent fixed by statute varies from one-half to one-sixth the gross produce and in a few States it is a multiple of land revenue.

16. The First Five Year Plan stated that the essential principle in the fixation of rents would be that the rent should be so fixed that, having regard to his expenses of cultivation and other risks, a fair wage remains for the cultivator. The Plan also mentioned that while it was difficult to suggest a generally applicable maximum rate of rent, over the greater part of the country, a rate of rent exceeding one-fourth or one-fifth of the produce could well be regarded as requiring special justification. The Second Five Year Plan proposes no modifications to the above limits but suggests that it may be useful to fix the maximum rent as a multiple of land revenue.

17. In the course of our tours we noticed that except in the areas where tenancy law has been in force for some time, the customary rents are still prevailing. These customary rents are generally half the produce, though in a few cases a higher proportion of the produce goes to the landlord.

18. We are of opinion that in the prevailing circumstances of the State it would not be correct to fix the rent as a multiple of assessment. The current assessments were fixed in various areas over a period of more than 40 years from 1905 to 1945. The basic principles for fixing assessment varied in different areas. Crop patterns have also changed considerably since the last settlement. Further, over the greater part of the State the assessment was not fixed with reference to the value of the produce. A general revision of assessments, relating them to the gross produce of the land, is now being undertaken. It would, therefore, be desirable to defer linking the rent with assessment till after the general revision.

19. We are not in favour of prohibiting rents in kind. Rents in kind have been in vogue since time immemorial. The system has its advantages as well as its defects. The defects are, however, not insurmountable. The system should work satisfactorily if the landlord is required to receive the crop rent in the village where the land is situated and the passing of a receipt is ensured by strict enforcement of the penalties provided in the law. On the other hand, the system of crop rents has its own distinct advantages. It is hardly proper to bind the rural population to the cash economy of the cities. To pay rent in cash, the cultivator would have to transport and sell the produce at the nearest market. This would result in the flooding of the market immediately after the harvest and consequent reduction in prices. Moreover it would be obviously unfair to the tenant to fix the commutation at the current high level of prices. The land-owners still attach sentimental importance to consuming grain from their own lands. Leases will continue in future only in case of lands owned by persons under a disability or of lower economic status. In these cases the tenant rather than the landlord will have the upper hand. Hence there will be least scope for abuse of the right of collecting rent in kind. We further recommend that the landlord should take delivery of the crop rent at the village where the land is situated. Where, however, the landlord wants cash payment or fails to receive the crop rent within three months of the harvest,

the tenant shall pay the value of the produce-rent commuted according to the rates notified annually by the prescribed officer.

20. In cases where there is no agreement between the landlord and the tenant regarding the gross yield in any particular year, the tenant shall be deemed to have paid the rent if he deposits with the Tribunal the cash value of the produce rent payable on the basis of the average yield for that year for the class of land concerned in the local area at the commuted price notified by the prescribed authority.

21. As regards the quantum of rent, we are of opinion that the limits laid down in the First Five Year Plan are fair and may be adopted. The maximum rent may be one-fourth of the produce in case of lands having facilities for assured irrigation by flow and one-fifth of the produce in other cases, the assessment and other Government dues being paid by the landlord.

In respect of lands having assured flow irrigation, under river channels and major irrigation projects, the tenant runs no risk of losing his investment on seed and manure or his labour by failure of crops. The cost of cultivation is estimated at about one-half the produce for irrigated lands. If the rent is fixed at one-fourth of the produce the landlord and the tenant will have an equal share in the net produce.

The same principle of the landlord and the tenant sharing the net produce equally would indicate that one-fifth of the gross produce would be reasonable rent for lands other than lands with assured irrigation. For an owner-cultivator, the expenses of cultivation including land revenue will generally absorb two-thirds of the gross produce. The net produce will be one-third of the gross produce and if the landlord and the tenant share it equally, each will have to get one-sixth. The land revenue payable on the land has already been deducted along with cultivation expenses, but as the land revenue is payable by the landlord his share has to be one-sixth the produce *plus* land revenue.

Even if the land revenue and other Government charges amount to only one-thirtieth of the gross produce, the landlord's share will be one-fifth of the gross produce. We, therefore, recommend that the fair rent in respect of all lands other than lands with assured irrigation may be fixed at one-fifth of the gross produce, the landlord paying the assessment and other Government dues.

22. We are aware that the limits of maximum rent proposed by us are higher than one-sixth of the produce fixed in Bombay in 1952. This limit of one-sixth was fixed in Bombay when leases as a rule were allowed. The idea underlying this low limit was presumably to make it unremunerative for the absentee landlord to stick on to the land, thus making it easier for the land to pass on to the tenant. The view has been expressed that such a drastic reduction in rent made the purchase of lands by the tenant nor worthwhile. According to our proposals leases in future would be limited to lands held by disabled persons or small holders. The economic condition of the latter would in most cases be no better than that of the average tenant and there is therefore no longer any justification to reduce the rent below the economic limit for the landlord. Both the Plans have considered that rent at one-fourth or one-fifth of the produce would be reasonable.

23. We would also like to make special mention of the fact that enforcement of even this limit would involve substantial reduction of the existing statutory limits all over the State except in the areas where the Hyderabad and Bombay Tenancy Acts are in force. When it is remembered that the current rentals are generally higher than the existing statutory limits, it will be appreciated that strict enforcement of even the limits suggested by us would afford great relief to tenants.

24. To enable the system of rents based on crop share working satisfactorily, we suggest that the "average yield" of each crop in each local area may be notified annually. For fixing the family holding the Land Commission will, according to our proposals in chapter VI, determine the gross average yield for each class of land in each local area. It should not, therefore, be difficult for the Land Commission to determine simultaneously the *standard* yield (yield when the out-turn of crop is 16 annas) of each crop for the different classes of land. Lands are divided into three classes, namely (i) jirayat or khushki or dry, (ii) tari or rice and (iii) bagayat or garden. To allow for local variations in the class of soil, lands in each class may be further sub-divided into three grades, namely, (i) superior or I grade, (ii) medium or II grade, and (iii) inferior or III grade, based on the soil value assigned during settlement. The Land Commission will have to work out the standard yields for the principal crops for each class and grade of land in each local area.

This standard yield will be reduced each year on the basis of the anna-wari yield of the crop in question to determine the *average* yield for that year. The rent to be paid by each tenant would be one-fourth or one-fifth as the case may be of the average yield.

In this way the rent to be paid for each grade of land and crop each year will be fixed generally for the local area. There should not be any scope for the determination of fair rent in individual cases; otherwise there will be a plethora of litigation. The average yield notified for each local area should apply to all lands of the specified grade and class in that area.

As the crop-cutting experiments will be the basis for determining the anna-wari, it is desirable that strict instructions should issue to the authority conducting them to secure the presence of at least one representative each from the tenants and from the landlords during such experiments.

25. In Malnad areas most of the lands classed as dry are normally used only for grazing or for removing leaves. The rent on such lands cannot be fixed on the basis of the produce. We would suggest that in such cases the rent may be five times the assessment.

26. Till the fixation of the standard yields by the Land Commission as proposed above, rents should be paid on the basis of estimates of the gross produce arrived at in previous proceedings, if any, in tenancy cases, the new proportion of the rent to the produce being nevertheless adopted.

CHAPTER V

Conferment of Ownership on Tenants

The basic objective we had in view while formulating our proposals regarding existing and future leases was the abolition of the landlord-tenant system and the consequent encouragement of personal cultivation. We have accordingly recommended prohibition of leases except in special cases. Resumption of land by the owner is to be permitted only for personal cultivation, subject to certain conditions. In most cases, the landlord cannot resume the entire holding even for personal cultivation. Hence, normally, every holding cultivated by a tenant would comprise a resumable part and a non-resumable part. The resumable part will also be selected and demarcated early. The question would then arise whether the tenant should not be given further rights over the non-resumable extent. We are of the view that the tenant-landlord relationship should come to an end in respect of the non-resumable area, as soon as it is demarcated. This can be achieved in any one of the following ways :—

(1) Government may collect rent from the tenant and pay the same to the landlord ;

(2) Government may acquire the land on payment of compensation to the owner, and continue to recover fair rent from the tenant ; or

(3) the tenant may become the owner of the land.

The first alternative is not acceptable as in any case the landlord will continue to have a notional ownership and this would run counter to our proposals for redistribution of land.

2. In Uttar Pradesh, all tenants and sub-tenants have been brought into direct relation with the State. No compensation was payable by tenants, the State undertaking responsibility for paying compensation to landlords out of rents recovered from the tenants. The tenants have the option to acquire full ownership (Bhumidari rights) on payment of a sum equal to 10 times the rent.

The scheme of Government acquiring the land and leasing it out to the tenant on fair rent is recommended by some on the

ground that the achievement of the ideal of co-operative village management accepted in both the First and Second Plans would be facilitated if new ownership rights in land are not conferred. For this ideal to be achieved it would be necessary for all holders of land in a village to agree to give up their individual rights of ownership in favour of common ownership by the village community. But the proportion of land held by tenants is less than 25 per cent and the non-resumable area may be only about half of this. The denial of ownership rights in respect of this small percentage of lands is not likely in any way to affect the establishment of co-operative village management. Moreover, the conferment of rights of ownership on these tenants, many of whom are landless, would lessen inequalities in economic and social status and will indirectly assist the introduction of co-operative village management. Co-operation thrives best in homogeneous groups in which there are no large inequalities. We are not, therefore, in favour of the non-resumable lands being acquired by Government and leased out to the present tenants at fair rent, without conferring ownership.

3. The only alternative left is, therefore, the conferment of ownership rights on the tenants. The ownership may be transferred compulsorily by law to the tenant or the tenant may have only an optional right to purchase, if he so desires. Ownership was conferred on all tenants in Delhi subject to their paying compensation ranging from 4 to 40 times the land revenue. The Bombay Tenancy and Agricultural Lands Act as amended in 1955 contains a provision whereby all tenants become owners of the lands held by them, subject to certain exceptions. The price payable, though to be fixed by Government agency, is to be paid direct by the tenant to the landlord in instalments. A similar provision which could be brought into force only in specified areas notified by Government is found in the Hyderabad Tenancy Act also.

The tenants have an optional right of purchase in the following states :—

Madhya Pradesh (excluding Berar):

(1) *Former Madhya Pradesh area* :—The compensation is 7 times the rent for acquiring Bhumidari rights and 10 times for Bhumiswami rights.

(2) *Madhya Bharat area* :—Sub-tenants and their tenants in Zamindari and Jagirdari areas have the right. The compensation is 2 to 8 times the net income of the landlord.

(3) *Vindhya Pradesh area* :—A tenant may purchase up to 10 acres (upper limit on the total land to be held not to exceed 30 acres) provided the owner is left with 30 acres. The price is 15 times the rent.

Punjab :—Tenants of non-resumable area in continuous possession for six years have the right. The price is three-fourths of the market value except in PEPSU area.

In PEPSU area tenants of non-resumable area may purchase ownership. Compensation is 90 times the land revenue, but not exceeding Rs. 200 per acre.

Andhra Pradesh : Telangana :—The right is available to protected tenants. They can purchase up to one family holding provided the owner is left with two family holdings. Compensation varies between 6 to 15 times the rent according to the class of soil.

Rajasthan :—The right is available to sub-tenants in an area not exceeding a minimum holding. The price is to be between 25 to 50 per cent of the market value depending upon the length of tenant's possession, *plus* cost of improvement except in Ajmer. The right is available in the Khalsa area of Ajmer to tenants holding lands under permanent rights. The price is 12 times the hereditary rate of rent. In intermediary areas of Ajmer sub-tenants and tenants of home-farm lands in possession for three or more years become owners without payment of compensation.

Himachal Pradesh :—Tenants of non-resumable area have the right. Price is 48 times the land revenue for non-occupancy tenants.

Provision has been made for payment in instalments which vary from State to State.

4. According to the Review of the First Five Year Plan, the optional right of purchase is seldom exercised in practice. The amount of land so purchased and the number of tenants

who have been able to acquire ownership, both indicate that the optional right of purchase has not produced any significant results. The Second Plan mentions that one of the main reasons for the tenants not exercising the optional right to purchase is that they have no surplus from which to pay the landlord. It, therefore, recommends that it is desirable to go beyond giving an optional right of purchase and instead to take steps to bring all tenants of non-resumable areas into direct relationship with the State. The following three possible courses have been examined in the Plan:

(1) the State recovers rent and finances payment of compensation to owners;

(2) besides land revenue the State recovers instalments of compensation from the tenants; and

(3) the State recovers land revenue and tenants pay instalments of compensation direct to owners.

The first alternative is not accepted as this would necessitate continuance of a fixed level of rent till the compensation is fully paid. Further, if there is no separate accounting of the amount recovered towards land revenue and that recovered towards instalments of compensation, future reduction of the rent to the level of land revenue would present practical difficulties. The third alternative has been adopted in the Bombay Act; but this leads to a degree of uncertainty as the tenant may default in the payment of instalments and other complications may arise. Both landlords and tenants have suggested to us that this method would not work well in practice. All the landlords preferred to draw the compensation in a lump sum as drawing in instalments would not enable them to invest it otherwise so as to secure an alternative income. Many of them were prepared to accept deferred payment in a lump sum provided interest was paid annually during the intervening period. This would be possible only if the second alternative of Government taking over the responsibility to pay compensation and recovering the same from tenants in instalments is adopted. We, therefore, recommend that the ownership of all non-resumable areas may vest in Government from a notified date subject to Government paying compensation to the owner. Tenants will acquire ownership rights on payment of the compensation paid by Government.

5. In States where the tenant has a right of purchase, the compensation is either a fraction of the market value or a multiple of the land revenue or a multiple of rent. The market value

of land does not always depend on the income the owner was getting from it. The compensation in this case should be based on the income the owner would get. Multiple of land revenue is not also satisfactory as the basis for computing compensation, since land revenue bears no relation either to the gross or net produce. The rent which the landlord would get for the land appears to us to be the most satisfactory basis for computing the compensation.

6. We have given anxious thought to the question of the multiple to be adopted for computing compensation on the basis of net income. Three factors have weighed with us in this behalf, namely (1) the multiple of net income adopted for paying compensation to intermediaries, (2) the requirement that the total burden of payment falling on the tenant should not be excessive and (3) the need to provide that the tenant attains full ownership within a reasonable period, after paying all the instalments of the compensation. Factors (2) and (3) are inter-related. The Second Plan has stressed the need to ensure that aggregate of the annual payment in the form of land revenue and the instalments of compensation does not exceed the level of rent recommended in the Plan. It would not also be feasible to spread the recovery of the compensation over too long a period, as the tenant cannot get full ownership until the compensation is recovered in full. Any period longer than 20 years would, therefore, be out of the question. The multiple adopted for intermediaries varies from 3 times to 28 times the net annual assets of the landlord in various States. The multiple adopted for the lower income intermediaries is generally 15. With this multiple of 15, it would take between 22 and 23 years for the compensation and interest to be fully recovered in instalments equal to the annual net income to the owner. A higher multiple cannot, therefore, be thought of.

In view of these considerations we propose that the compensation to be paid to the owner should be equal to 15 times the fair rent less land revenue; this would be the net income of the owner if the lease had continued. The tenant may have the option to pay it either in one lump sum or in equated instalments over a period of 20 years with interest at 4½ per cent. The annual instalment together with the land revenue will be only 8¼ per cent more than the fair rent. The excess of the instalment over the fair rent is slight.

7. It would not be correct to treat permanent tenants on a par with other tenants. Permanent tenants under any law in force on 1st November 1956 in each area may pay eight times the rent to get full ownership.

8. Coming next to the question of payment of compensation by Government to the owner, we suggest that Government may pay it in a lump sum immediately in the case of persons from whom less than a basic holding has been taken over. Such cases are, however, likely to be few, as holdings less than a family holding leased out by persons with income below Rs. 1,200 will not come within the purview of the scheme for transfer of ownership to tenants. Where the extent taken is not less than a basic holding, compensation may be payable in instalments not exceeding 20 with interest if the owner agrees to receive in instalments; otherwise compensation should be in the shape of negotiable bonds carrying interest and redeemable over a period of 20 years. These bonds will meet the requirements of owners who prefer to get compensation in a lump sum and interest in the meantime. The annual recoveries from the tenant may be utilised to redeem 5 per cent of the bonds every year.

9. We would like to explain why we have proposed interest at 4½ per cent. The Bombay Act provides this rate. The loan which is being floated by the Government of Mysore will carry interest at 4¼ per cent. If the fact that bonds with a face value of Rs. 100 are issued on payment of Rs. 98.75 only is also considered, the net yield to the investor will be 4.38 per cent. These loans are repayable within 12 years whereas the bonds to be issued to landowners will be in force up to 20 years. Recently the Central Government allowed for the 15-year loan interest at ¼ per cent more than for 12-year loan. Hence we consider that 4½ per cent would be quite reasonable for these 20-year bonds when compared with the effective rate of 4.38 per cent paid for 12-year bonds.

10. The non-resumable extent should vest in Government free from encumbrances. The law should, therefore, provide for the compensation being applied to the satisfaction of debts. The provisions of section 32Q of the Bombay Act are suitable for this purpose and may be adopted. Sub-section (3) should, however, be modified so as to enable a reference similar to a reference under section 30 of the Land Acquisition Act being made to the principal civil court of original jurisdiction whenever there is no agreement regarding any encumbrance between

the owner and the persons claiming a charge on the compensation. The Bombay Act provides for such a reference only when any question of law is involved. We are, however, of the view that as disputes regarding an encumbrance are ordinarily heard and disposed of only by civil courts, all such disputes whether involving questions of law or of fact, arising in connection with the claims to compensation for non-resumable area should be disposed of by civil courts only.

11. In some areas the cultivating tenants do not hold directly under the registered occupant, there being one or more intermediary tenants such as Mulgenidars and permanent tenants. The question arises how the compensation should be distributed in such cases. The most equitable arrangement would be for the compensation to be distributed between the owner and the intermediary tenants in the same proportion in which the rent for the land paid by the cultivating tenant is being appropriated by them. Thus when any intermediary tenant is paying fixed rent in cash to the next higher holder 15 times that amount should be payable to that holder by deduction from the share of the intermediary concerned. Where the rent is in kind the compensation has to be apportioned in the same proportion in which the produce rent is shared.

12. We have considered whether any separate provision is necessary to deal with cases in which tenants may not choose to accept ownership of the non-resumable extent on the terms suggested by us. This possibility is extremely remote as the annual payment to be made by the tenant is not appreciably higher than the fair rent he has to pay in any case. In view of the sentimental value attached to land ownership, we cannot conceive of any normal case in which ownership will be declined by a tenant. To cover such exceptional cases, however, a provision should be made for treating such tenants, on application by them, as mere tenants under Government.

13. In view of the fact that the tenant gets ownership of non-resumable extent at a concessional price, the question arises whether any restrictions should be placed on his rights in respect of such land. It is obvious that such land should not be leased out again. Sale and other transfers should not also be allowed for 20 years, but partition among members of the tenant's joint family may be permitted. If the tenant wants to give up agriculture or the land within this period of 20 years, he may relinquish it to Government. The Land Tribunal will allot it in the

same order of priority as surplus land. The tenant will in such cases, however, lose the difference between the instalments paid by him and the fair rent.

14. There may be some cases in which tenants have paid advances to landlords for purchase of land when there were no restrictions on such purchase. We would recommend that such advances should be dealt with in the same manner as encumbrances on the land while apportioning the compensation.

CHAPTER VI

Family Holding

We have in chapter IV introduced the concept of a family holding to determine the eligibility of a person to lease out land, the right to resume lands for personal cultivation and also the extent of land to be so resumed. This concept being an important one, we have considered it desirable to devote a separate chapter for its discussion.

2. A family holding is that extent of land which would normally provide a reasonable standard of living to an average family and also keep them more or less fully employed during the agricultural season. Hence two different considerations will arise for determination of what constitutes a family holding. The standard of life will inevitably lead to the income aspect while the condition of employment will lead to the concept of an operational unit. We have tried in the following paragraphs to reconcile both these aspects.

3. The Bombay Tenancy Act has fixed an economic holding at 4 acres of perennially irrigated land or 8 acres of seasonally irrigated land or 16 acres of jirayat land. These extents appear to have been fixed on an *ad hoc* basis without regard either to the income or to the operational aspect. In parts of Bombay area the plough unit is more than 16 acres and the economic holding thus falls short of an operational unit. The income from one acre of land of the same class varies very largely from place to place, depending on the crop practices and distribution of rainfall. We are, therefore, of the view that it would not be feasible to fix the family holding in terms of acreage uniformally all over the State.

4. The Hyderabad Tenancy and Agricultural Lands Act fixes the family holding as that extent which would give a net income of Rs. 800, the net income being taken to be equal to half the gross produce. A Land Commission was appointed by the Hyderabad Government under section 87A of the Hyderabad Act to determine the extent of family holding for the various districts and local areas. We are of the view that such local determination of the family holding as the extent which would give a specified income would be more feasible and we, therefore, recommend it for adoption in the new State of Mysore.

5. The question that arises next would be whether the net income of Rs. 800 fixed in the Hyderabad Act is adequate for adoption all over the State or requires modification. The income level adopted for this purpose should be such that the family holding is not less than an operational unit in any part of the State. Otherwise, even if a family owns one family holding, the family members and the bullocks and implements maintained by them will not be fully employed. Our enquiries have shown that in the black cotton soil area the extent of land that could be cultivated by a family with a pair of bullocks, would give an average income up to Rs. 1,200 per annum. Hence we are of the view that a family holding in Mysore may be defined as that extent of land which would give to its owner-cultivator a net income of Rs. 1,200 per annum. We recommend that the same level of income may be adopted all over the State as it would be inequitable to lay down different levels of income for different parts of the State.

6. This definition of a family holding as that extent which would give a net income of Rs. 1,200 per annum would ensure that a family holding is not less than an operational unit in any part of the State. At the same time it would assure for persons owning a family holding the same standard of living all over the State.

7. The level of income recommended by us, *viz.*, Rs. 1,200 is somewhat higher than that laid down in the Hyderabad Act, but we are convinced that a lower level would not be correct. As pointed out earlier, if the level of income from family holding is fixed below Rs. 1,200 the family holding will be less than an operational unit in large areas of the State having black cotton soil. Further, it is necessary to ensure that the person who stays in the village and attends to cultivation personally is not condemned to a lower standard of living than the average resident in the urban areas. The *per capita* income in India during 1955-56 was Rs. 281 and that during 1960-61 is expected to be Rs. 331. An average family of five had an income of Rs. 1,405 in 1955-56 and will have an income of Rs. 1,655 per annum by 1960-61. Even if the income of a family holding is Rs. 1,200 the owner-cultivator of such a family holding may not be able to have a standard of living very much different from the average standard of living in the country.

We would also like to point out that with this level of income the owner-cultivator of a family holding will not be

worse off than a person who has passed the S.S.L.C. examination who takes up employment in urban areas. Among the educated classes, only one member of the family is normally able to secure employment and in this State the average annual income of a person who has passed the S.S.L.C. examination employed in urban areas does not exceed Rs. 1,200. The level of income proposed by us for a family holding is, therefore, neither too low nor too high.

8. Though the family holding should give an average annual net income of Rs. 1,200, the procedure to be adopted for its determination should be such as to enable the work being completed within a reasonable time limit. From this point of view the most practicable procedure would be for the law itself to lay down the net produce to be assumed for calculating the family holding, as a proportion of the gross produce as has been done in the Hyderabad Tenancy and Agricultural Lands Act. This would obviate meticulous calculations of cultivation expenses by the Land Commission which may be entrusted with this work. The Hyderabad Act lays down that fifty per cent may be deducted from the produce as cost of cultivation. Our enquiries go to show that the cost of cultivation is about 50 per cent for lands with assured irrigation only and that for other lands it will be about 66 2/3 per cent of the average annual produce. We would, therefore, suggest that for determining the family holding the average net income per acre should be taken as 50 per cent of the average gross produce for lands having facilities for assured irrigation by flow and 33 1/3 per cent in respect of other lands. For coffee and tea, however, the net income per acre may be determined on the basis of information available with the Coffee and Tea Boards. All that the Land Commission will have thus to do would be to determine with reference to the soil, rainfall and crop practices of each homogeneous local area, the extent of land which would give a gross yield of Rs. 2,400 if it is land with assured irrigation and Rs. 3,600 in other cases. The lands of each class may be divided into 3 grades according to the soil value assigned during settlement and the average yield per acre of each class and grade worked out on the basis of actual yields during five consecutive years.

9. The question also arises regarding the year for which price has to be taken for computing the value of the produce. The estimates of *per capita* income mentioned earlier in this chapter are calculated at 1952-53 prices and we would recommend adoption of the same price level for determining the family holding also.

Ceiling on Land Holdings..

10. In his address to the Allahabad Session of the Agricultural Economics Conference, Prof. Badgil has summed up the case for ceilings as follows :—

> "Among all resources, the supply of land is the most limited and the claimants for its possession are extremely numerous. It is, therefore, obviously unjust to allow the exploitation of any large surface of land by a single individual unless other overwhelming reasons make this highly desirable. Further, in the light of the available supplies of land, labour and capital, it would be undesirable to encourage capital-intensive method of production. Moreover, whatever the economics of large-scale management, they should, in the congested state of our countryside, accrue to collective or co-operative bodies of cultivators rather than an individual family. Lastly, in the current socio-political climate redistribution of land would rather appear to be imperative."

The Second Five Year Plan also stresses the need to reduce disparities in land ownership. Although the re-distribution of excess land may yield limited results, it would afford opportunities to rural landless sections to improve their social status. The removal of disparities is also essential for developing a co-operative rural economy.

The imposition of ceiling on holdings is further justified from the standpoint of social justice. The step, being symbolic of a new social order, has great psychological value.

11. The policy of imposition of a ceiling would thus facilitate fulfilment of the following objectives :—

(i) meeting the wide-spread desire to possess land ;
(ii) reducing glaring inequalities in ownership and use of land ;
(iii) reducing inequalities in agricultural incomes ; and
(iv) enlarging the sphere of self-employment.

12. The following questions arise for consideration in connection with the imposition of a ceiling on agricultural holdings :—

(*a*) to what lands ceilings should apply,
(*b*) the levels at which ceilings may generally be fixed,

(*c*) what exemptions should be made,

(*d*) steps necessary to prevent *mala fide* transfers,

(*e*) the rate of compensation for lands which are required, and

(*f*) re-distribution of lands which are acquired.

The ceiling can be imposed on future acquisition as well as on existing holdings. Ceiling on future acquisition has been imposed in the following States :—

Assam—50 acres.
Bombay—12 to 48 acres.
Uttar Pradesh—30 acres.
West Bengal—25 acres.
Telangana area of Andhra Pradesh—3 family holdings.
Madhya Bharat area in Madhya Pradesh—50 acres.
PEPSU area in Punjab—30 standard acres (in the case of displaced persons 40 standard acres).
Jammu and Kashmir—22¾ acres.
Delhi—30 standard acres.

Legislation has been enacted in the following States for ceiling on existing holdings :—

Assam—50 acres.
West Bengal—25 acres.
Telangana area in Andhra Pradesh—4½ family holdings.
PEPSU area in Punjab—same as for future acquisition.

13. The ceiling fixed for future acquisition in the Bombay Tenancy and Agricultural Lands Act, 1948 applies in the districts of Bijapur, Belgaum, Dharwar and North Kanara. The ceilings on future acquisition as well as on existing holdings fixed by the Hyderabad Tenancy and Agricultural Lands Act, 1950 are applicable in the districts of Raichur, Gulbarga and Bidar.

14. Ceiling on future acquisitions is quite necessary to check increase in the existing inequalities in the distribution of land. One of the suggestions made to us during our tours was that the family holding itself may be the ceiling. Even the Second Five Year Plan has not gone to this extent. The persons who advocated this view pointed out that, having regard to the great pressure on land, it is not necessary to permit any person to own more than one family holding. While there is some force in this view, we are not prepared to recommend it. The

level of ceiling should be such as to enable persons from the better agricultural families to get the benefits of higher education to make them fit for other avocations. The ceiling should, therefore, be definitely higher than the family holding. We are of the opinion that the ceiling of three family holdings suggested in the Second Five Year Plan would be suitable for impression in cases of future acquisition. This ceiling limit of three family holdings would also apply o land held by a tenant either as owner or as tenant or as both.

15. We have given anxious consideration to the question whether there should be a ceiling on existing holdings which are being personally cultivated. The Bombay Tenancy and Agricultural Lands Act, 1950 does not impose any ceiling on the extent of land to be held by a person who has been cultivating personally from a date earlier than the imposition of ceiling on future acquisition. The Hyderabad Tenancy and Agricultural Lands Act of 1950, as amended in 1954 imposed a ceiling of 4½ family holdings even on holdings which were under personal cultivation. The Second Five Year Plan has not made any distinction between future acquisition and existing holdings as regards the ceiling. In fact there is a specific suggestion to impose a ceiling on existing holdings also.

In view of the fact that no ceilings have been proposed in other sectors, we were initially inclined to adopt the Bombay practice and not to suggest any ceiling on existing holdings under personal cultivation. But after careful examination of the matter we have come to the conclusion that a ceiling has to be imposed on existing holding also. As the surplus above the ceiling in respect of lands leased out to tenants will have to be sold to the tenants themselves, the only source of getting some lands for re-distribution among the landless persons is the imposition of ceilings on personal cultivation also. The urgent need to secure some land for re-distribution weighed with us in recommending a ceiling on existing holdings. We would however urge that ceilings may be imposed early in other sectors of economy also so that there may be no sense of grievance on the part of the agriculturist.

16. We consider that there is some justification for allowing a higher ceiling limit in respect of existing holdings under personal cultivation. Future acquisition would arise only in respect of an absentee landlord who has leased out his lands, or in respect

of a person who wants to adopt agriculture as his profession. An owner-cultivator, who has personally attended to agriculture all along and has invested on his agricultural establishment deserves a more considerate treatment, as he has probably no other sources of income, unlike the person who has leased all his land. We recommend therefore that as in the Hyderabad Act the ceiling on existing holdings under personal cultivation may be 4½ family holdings as against three family holdings for future acquisition. Even with the higher ceiling, the owner cultivator will have only an annual income of Rs. 5,400 which is about the same as the income of a class II officer. An educated person who prefers to devote his entire time and resources to agriculture should not be worse off than his colleague who prefers to join service.

17. We have examined if any additional limit to the ceiling is necessary for large families with a number of persons exceeding five. One of the suggestions made to us was that each sharer may be allowed up to the ceiling. Acceptance of this suggestion would defeat the very object of imposing a ceiling. As recommended in the Second Five Year Plan, the ceiling may be doubled where the family consists of more than five members.

For the purpose of application of ceilings the expression family should, besides husband, wife, dependent sons and daughters and grand children, include other members of a joint family.

For computing the ceiling the lands standing in the name of the wife of any member of the family should also be taken into consideration, unless such lands constitute her 'stridhana'.

18. The fundamental idea in imposing a ceiling, namely to secure as much land as possible for re-distribution among the landless, would be defeated unless the ceiling is worked out ignoring transactions which have taken place in anticipation of a ceiling being imposed. The idea of imposing ceilings on land holdings in the areas where they did not exist was first mentioned in the Government Order dated 10th May 1957 constituting this Committee. We, therefore, recommend that the surplus land to be acquired should be computed on the basis of land held by a landholder on 10th May 1957. Ceiling being a continuing operation, even acquisitions subsequent to 10th May 1957 can be held only to the extent the ceiling is not exceeded.

19. The Second Five Year Plan indicates that the following three main factors could be taken into account in deciding upon exemptions from the purview of the ceiling, namely :—

(1) integrated nature of operations, especially where industrial and agricultural work are undertaken as a composite enterprise,

(2) specialised character of operations, and

(3) from the aspect of agricultural production the need to ensure that efficiently managed farms which fulfil certain conditions are not broken up.

Based on these considerations the Second Plan suggests that there may be an advantage in exempting the following categories of farms from the operation of ceilings which may be proposed :—

(1) tea, coffee and rubber plantations ;

(2) orchards where they constitute reasonably compact areas ;

(3) specialised farms engaged in cattle breeding, dairying, wool raising, etc. ;

(4) sugarcane farms operated by sugar factories ; and

(5) efficiently managed farms which consist of compact blocks, on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production.

The Plan makes it clear that in the nature of things these are general suggestions which should be adapted to the needs and conditions of each State.

20. We consider that out of the five categories mentioned above exemption from ceiling may be granted only to the categories (2), (3) and (5). The Land Commission should determine the estates coming under (5). We see no special reason to exempt coffee estates from the ceiling. Unlike in tea estates, there are no integrated operations, partly agricultural and partly industrial, in coffee estates. Moreover small estates namely, those below 25 acres in extent number 34,218 out of a total of 35,718 estates and the small holdings comprise one-third of the total area under coffee. Estates whose extent does not exceed

100 acres contribute half the total area. We have no material before us to show that the cost of production is substantially higher in the case of small holders than in the larger estates. We are not in these circumstances convinced that coffee estates have to be exempted from the ceiling. For future acquisition the ceiling may be three family holdings.

Many of the existing coffee estates are worked as large single units of production and any attempt to change their structure by breaking them up into numerous small units may result in a break-down in production. We, therefore, recommend that existing coffee estates as on 1st January 1957 may be exempted from the ceiling limit, as they would actually come under category (5).

There are very few tea estates in this State. We are given to understand that tea plantations must always have a factory in their midst and that a minimum extent is required for running a factory. For future aequisition, the minimum extent required for running a factory may be determined by the Government of India and this would represent the ceiling. For reasons explained while considering coffee estates, existing tea estates as on 1st January 1957 which would also come under the fifth category may be exempted from the purview of the ceiling

Rubber is not grown on a large scale in this State and the imposition of a ceiling on rubber estates is of no practical consequence.

As mentioned above, other efficiently managed farms under personal cultivation which consist of compact blocks on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production may, in deserving cases, be considered for exemption from the ceiling.

We do not consider that sugarcane farms operated by sugar factories qualify for exemption. If these factories have to serve the real purpose of improving the economic condition of the agriculturists in the area served by them, they must purchase the bulk of their requirements of sugarcane from the growers. Encouragement of factory farms will lead to the cultivators being reduced to the level of labourers. We are, therefore, of the view that no sugar factory should own more than 1/6th of the area

required to feed it. This 1/6th of the area should suffice for running demonstration plots, and to grow sets for supply to ryots. Co-operative sugar factories which take lands of the members on lease for cultivation on a co-operative basis may, however, be exempted from the operation of the ceiling so far as the area taken on lease is concerned.

21. In respect of the lands leased out to tenants, the surplus above the ceiling will constitute the non-resumable extent and the ownership of it has to be conferred on the tenant as per our recommendations in chapter V. Unless the land with the tenant himself, together with the land on which he gets ownership exceeds the ceiling, the land held by tenants will not be available for redistribution. In the very rare case of land held by a tenant also coming to the surplus pool for distribution, it may be dealt with in the same manner as surplus land taken over from an owner cultivator. The surplus above the ceiling should vest in Government. The owner may be required to declare not later than six months from the determination of family holding for the local area, the area which he retains and the area which would vest in Government. If no such declaration is made within six months, the prescribed authority may make the demarcation. For the surplus over the ceiling which vests in Government, the owner should be paid compensation equal to 15 times the average net annual income he was getting from the land. In case of land leased out to tenants the owner's net income will be fair rent minus land revenue. In respect of personally cultivated lands the net income should be taken as half the average gross produce for lands with assured irrigation and 1/3 the average gross produce for other lands as determined by the Land Commission. This proportion is the same as that recommended for adoption while determining the family holding. The compensation will be paid in the shape of bonds on the same terms as compensation for non-resumable land transferred to tenants.

22. The natural tendency on the part of large holders would be to give up to Government as surplus above the ceiling lands which are inferior in quality or have remained uncultivated. In Malnad, the surplus surrendered to Government may include land classed as dry but used for grazing only. Government may by rules prescribe that the Land Tribunal may take into account the previous agricultural history of the land while fixing the compensation. So far as grazing lands or uncultivated lands are concerned we would recommend that twenty-five times the assessment would be adequate compensation.

ALLOTMENT OF SURPLUS LAND

23. The surplus land which vests in Government consequent on the imposition of ceiling may be allotted by the Land Tribunal in the following order of preference :—

(1) landless agriculturists, agricultural labourers and displaced tenants having no land—not less than one basic holding each ;

(2) tenants and displaced tenants with less than a basic holding and owner cultivators with less than a basic holding—not less than the extent required to make up a basic holding ;

(3) tenants and displaced tenants with less than a family holding, owner-cultivators with less than a family holding ; and

(4) other persons desiring to take up personal cultivation.

The allottees may be allowed to pay the cost of the land and interest to Government in annual instalments not exceeding 15 or in a lump sum, if they so choose.

24. Ceiling should be operative in respect of land got by inheritance also. The owner should demarcate within six months of his succeeding to the land the surplus which would vest in Government.

25. Where a person holds land with full ownership rights in addition to land on restricted tenure such as a service or other inam land, the extent held under restricted tenure should not be taken into consideration for purposes of the ceiling. As soon as the restrictions on tenure are removed and full occupancy rights conferred, the ceiling will operate and the owner will have to demarcate the surplus land within six months of getting occupancy rights. We would however, suggest that full occupancy rights may be conferred immediately in respect of all service inam lands also, on such terms as Government may lay down, so that these lands may also come within the ceiling as soon as it becomes applicable. The abolition of other inams also may be pursued vigorously.

Basic Holding.

26. 'Basic holding' generally indicates the minimum area needed for profitable cultivation. The Second Five Year Plan suggests that for practical purposes, a family holding may be assumed to be made up of three basic holdings. On the basis of the definition suggested by us for family holding, a basic holding represents the extent of land which will give a net income of Rs. 400 per year to its owner-cultivator.

CHAPTER VII

Transfers of Agricultural Lands

As mentioned in chapter I, the unrestricted rights of transfer given in the rayatwari areas tended to favour transfers to and accumulation of lands in the hands of non-agriculturists, and the tenancy problem is a direct consequence of such accumulation. The magnitude of this problem can be appreciated from the fact that during the twenty-year period from 1917 to 1937, the number of non-agriculturists owning lands in Bombay State rose from 1,85,465 to 5,30,865 (an increase of nearly 200 per cent) and the area held by them showed an almost equal increase from 32,18,027 acres to 83,18,568 acres. This tendency became more pronounced after the Second World War. The surplus money which became abundant during the war-period and thereafter was mostly invested in land. This results in a two-fold disadvantage to the country. The capital which should have been available for more productive use is locked up in land without any additional production. A large number of *bona fide* agriculturists part with land and are reduced to the status of either tenants or agricultural labourers. This process must be halted.

Our objective of increasing personal cultivation also requires that adequate safeguards should be devised to ensure that the pattern of agricultural economy introduced by tenancy reforms is not upset by the passing of land to non-agriculturists again. Hence it is necessary to provide for measures to control transfers of agricultural land.

2. We considered whether it would be feasible to ban all transfers of agricultural land except with the previous approval of Government authorities. Such a ban is in operation in Hyderabad area, and also in Japan. During our tour in Gulbarga Division, it was noticed that this provision of requiring prior sanction for every transfer of agricultural land had resulted in long delays and consequent hardship to the parties concerned. The rural population are still accustomed to raise capital at short notice by sale or mortgage of their lands. The bulk of these transactions are generally between agriculturists residing in the same village or nearby villages. Insistence on prior sanction being obtained for each transfer of agricultural land

with a view to ensuring that land does not pass on to non-agriculturists will hamper considerably the *bona fide* transactions mentioned above. We are of the view that if a ban is imposed on transfers to non-agriculturists and this ban is strictly enforced there would be no necessity to insist on prior approval. We are, therefore, for incorporating in the new law section 63 of the Bombay Tenancy and Agricultural Lands Act, 1948 under which transfers of land to non-agriculturists are banned. Free transfers of owner-cultivated land among agriculturists including an agricultural labourer may be allowed subject only to the limits of ceiling. There should, however, be no scope for direct transfer of land leased to a tenant. Whenever the owner of leased land desires to sell his holding which will hereafter comprise resumable land only, he must intimate the Land Tribunal which will take over the land and allot it to the tenant himself under the same terms as non-resumable land. However, for resumable area Government may pay the compensation in a lumpsum.

3. There may be some cases in which the ban on transfer of agricultural land to non-agriculturists may have to be relaxed to enable persons *bona fide* intending to take up agriculture to acquire lands. In such cases they should be enabled to do so with the Deputy Commissioner's/Collector's sanction. The grant of permission should be subject to the condition that the transferee takes up agriculture within one year from the date of acquisition of the land. If the transferee gives up agriculture within five years, the land should vest in Government subject to payment of an amount equal to ten times the net annual income of the land.

4. Experience has shown that transactions which are not in the public interest cannot be stopped by the law merely stating that they are illegal and void. These provisions of law must be followed up by strict enforcement and the law itself must provide for adequate summary procedure for dealing with violations. We would, therefore, suggest that a statutory responsibility must be imposed on the village officers and officers of the Revenue and Land Records Departments to report all illegal transactions in agricultural land to the prescribed authority. The prescribed authority must be empowered to determine after a summary enquiry whether the transaction is valid or not. In respect of transactions declared void the land should vest in Government subject only to payment of compensation at the rates and in the manner applicable to non-resumable lands

transferred to tenants. These lands vesting in Government will also be allotted in the same manner as surplus land above the ceiling.

5. We see no objection to permitting simple mortgages of agricultural land in favour of non-agriculturists also. If the provisions prohibiting transfer of possession to non-agriculturists are strictly enforced, there can be no danger of the land passing into the hands of non-agriculturists on account of such mortgages.

Mortgages of agricultural land with possession should be permitted only in favour of agriculturists, subject to the condition that the extent mortgaged together with the land held by the mortgagee as owner or tenant or both does not exceed the ceiling.

In some cases mortgages with possession provide for the payment of an initial premium by the mortgagee to the mortgagor, the former enjoying the produce of the land for the stipulated period and relinquishing the land without any payment at the end of the period. Such mortgages are in reality leases with the rent for the entire period paid in advance. As such mortgages give scope for evading the provisions relating to quantum of rent, we recommend that they should be prohibited.

6. We have not overlooked the fact that the restrictions on transfer of land may result in depreciation of the market price of land and thus affect the credit of agriculturists. The remedy is for Government to step in and supply credit in adequate measure through Co-operative institutions and Land Mortgage Banks.

CHAPTER VIII

Exemptions

Most of the tenancy enactments provide for exempting certain lands from specified provisions of the law. The exemptions allowed by the Bombay Tenancy and Agricultural Lands Act are as follows.

Leases of lands granted to industrial or commercial undertakings are exempted from the provisions relating to the duration of tenancy, rent, resumption, conferment of ownership on tenants, ceilings and the restrictions on transfers. The provisions relating to conferment of ownership on tenants do not also apply to lands within municipal areas. Only the provisions relating to tenure and rent apply to lands held or leased by local authorities and universities and to lands belonging to an educational trust, hospital or an institution for public religious worship.

Lands belonging to or held on lease from Government do not at all come within the purview of the Act.

The Hyderabad Tenancy and Agricultural Lands Act of 1950 does not apply to—

(*a*) lands leased, granted, alienated or acquired in favour of or by the Government, a local authority or a co-operative society;

(*b*) lands held on lease for the benefit of an industrial or commercial undertaking;

(*c*) service Inam lands; and

(*d*) Inams held by religious or charitable institutions.

Only lands belonging to or held on lease from the State Government or the Central Government, a local authority or a Co-operative Society are exempt from the provisions of the Mysore Tenancy Act, 1952.

All the three Acts empower Government to notify any area as reserved for urban, non-agricultural or industrial development and the Acts do not apply to areas so notified.

2. We are of the definite view that the provisions regarding the quantum of rent should apply in all cases where land is leased out. Even leases by or from Government and leases of service inam lands and other inams should conform to the provisions regarding rent. We have examined whether there is any need to exempt lands leased by local authorities, universities, educational, religious and charitable trusts and institutions from any of the provisions of the tenancy law. In our opinion exemptions from the provisions conferring ownership on tenants would be justified only in respect of lands leased by or to local authorities. These lands are generally intended for works relating to sanitation, public health, etc., and it is necessary for the local authority to retain full rights over them. Universities, educational trusts and institutions, and religious and charitable trusts and institutions stand on a different footing. These do not directly carry on any activity on the land and hold the land merely as a source of income. The tenants of these lands should not, in our opinion, be treated differently from other tenants. After careful consideration of all aspects of the question we are of the view that the tenants of lands belonging to these bodies, trusts or institutions should be permitted to acquire ownership rights. The price payable by such tenants should be fifteen times the normal net income the institution would get from the land. The normal net income will be equal to the fair rent of the land less land revenue and other Government dues. The price will be payable either in a lump sum or in 20 equated annual instalments with interest at 4½ per cent. The total annual payment by the tenant will not thus exceed appreciably the fair rent, and the tenant will get full ownership by merely paying a little over the fair rent for 20 years.

For the purposes of this Chapter, religious institutions will include all places of public worship or religious teaching such as temples, mosques and dargas, churches, gurudwaras, mutts, etc.

3. We have also examined how best to secure for these institutions a level of income approximating to that which they would get had the lands continued to be leased. The net income from the leased lands would have been equal to the fair rent minus land revenue and other Government dues. In order to secure continuity of the income to them, we suggest that Government may issue non-redeemable and non-negotiable bonds with face value equal to the compensation recovered from the tenants. Repayment in part or in full may be made only if the trustees obtain sanction

of the competent Court to utilise the corpus and to the extent ordered by the Court. We would also suggest that in view of the fact that the income would be utilised for religious, charitable or educational purposes, these bonds may carry a rate of interest slightly higher than the rate allowed in respect of ordinary redeemable bonds. In the former State of Mysore, perpetual deposits were accepted for educational and charitable purposes and the interest allowed on such endowment deposits was half per cent more than the rate of interest on Government securities. The rate at which Government is borrowing now comes to 4.38% and we would suggest interest being paid at 5% on these bonds. This would ensure to these institutions 75% of the income which would have been got if the leases had continued.

4. The provisions of section 43A of the Bombay Act may be incorporated in the new Act with the following modifications :—

(1) the provisions regarding rent should apply to these cases also ;

(2) clause (*b*) should refer only to leases of land granted to any bodies or persons other than those mentioned in clause (*a*) for the raising of fruit or flower trees, or plantation of fuel trees, or for the breeding of live-stock.

5. In view of the fact that lands within municipal limits possess a potential value for non-agricultural and industrial use several times higher than their value as agricultural land, it would not be correct to confer ownership rights on tenants in respect of such lands. The provisions regarding transfer of ownership to tenants should not therefore apply to such lands. The new law may contain provisions similar to sections 43C and 43D of the Bombay Act.

6. Except with regard to the quantum of rent, the tenancy law need not apply to lands belonging to or held on lease from Government.

7. The power of Government to notify any area as reserved for urban, non-agricultural or industrial development and exempted from the provisions of the tenancy law may also be adopted.

CHAPTER IX

Implementation

Experience has shown that however perfect a piece of legislation may be and however laudable its objectives, the practical achievement of the results anticipated therefrom depends entirely on the effectiveness with which it is implemented. The Bombay Tenancy and Agricultural Lands Act, 1948 and the Hyderabad Tenancy Agricultural Lands Act, 1950 are generally regarded as embodying the most advanced ideas about tenancy reforms. The results achieved by them are not however up to the expectations raised when the Acts were passed. The results of the investigation on the working of the Bombay Tenancy Act, 1948 by the Gokhale Institute of Politics and Economics, are summed up as follows:—

> "The main facts brought out by this investigation are, firstly, the extensive resumption and changes of tenants that took place even after the enforcing of the Act showing that the protection given to the tenants could not be effective in practice; secondly, a more or less normal market in land showing that the provisions for promoting the transfer of lands into the hands of the tillers were not quite effective; and thirdly, an almost complete absence of any signs of lowering the share and cash rents or of any changes in the tenancy practices.....The third failure, namely, the failure to regulate rent, is however the most distressing for it is entirely a failure of implementation. As we have seen, in all the districts except Thana and Kolaba, the share rents have remained unchanged. The cash rents also have shown no signs of lowering. In fact, from the evidence we have presented, it is clear that at least on occasions when tenants were changed, there have been more cases of raising than of lowering the rents. The surprising element of the situation is that even the landlords reported to us the true rents they received and that they found no reasons to conceal the facts. Under the circumstances, many of our questions relating to the various specific provisions of the Act sounded extremely unrealistic. For all practical purposes the Act did not exist".

2. Information gathered by us in the Hyderabad area goes to show that rent not exceeding the share of produce fixed by

the statute obtains only in about 35% of the cases while in the remaining cases rent is half or one-third as per usage. The limit of five times the assessment introduced by the Amendment of 1954 does not appear to have come into effect to any appreciable extent. Protected tenancy certificates were issued in a large number of cases ; and in view of the restrictions on transfers of all agricultural lands, the problem of illegal transfers has not arisen in any magnitude. Under these circumstances, surrender of the lands by the tenants was generally obtained when the landlords wanted to evict the tenants. The survey conducted by the Government of Hyderabad disclosed that during the four years' period of 1951-55 displacement of tenants on a large scale took place ; the number of protected tenants and area held by them decreased by 57% and 59% respectively. In the majority of cases tenants lost their lands as a result of " voluntary surrenders ". The provision for fixation of fair rent has not generally been resorted to by tenants. Receipts are also not generally given.

3. In the Bombay area the position is more or less the same as indicated in the report of the Gokhale Institute of Politics and Economics. Fixity of tenure has been achieved in a fair measure as tenancy law has been enforced in this area for the longest period, and these provisions have become more widely known than in other areas. Though rents have been appreciably reduced from the pre-1939 level, the statutory maximum regarding the rent is adhered to only in areas where tenants are organised. The main evasion of the tenancy law consists of the eviction of tenants on the ground of non-payment of rent. As the system of passing receipts is practically non-existent, the tenant is always at a disadvantage at such proceedings.

4. The Mysore Tenancy Act has not brought about any appreciable change in the practices prevailing prior to 1952. The only perceptible effect of the Act is that the tenants have become aware that they cannot be evicted before the lapse of the specified period.

5. In Coorg and South Kanara, the tenancy law came into force very recently and these laws have not been in operation even for one season.

6. In all areas the relations between landlord and tenant continue to be regulated more by custom than by law. This is

partly due to ignorance of the provisions of law on the part of the tenant. There is also the other factor that the tenant is generally in a lower social position than the landlord and is afraid to assert his rights against the landlord.

7. While reviewing the progress of land reforms during the First Five Year Plan, the Planning Commission have stated that apart from the delays in undertaking legislation for the protection of tenants and variations in the rights offered to them in different States, frequent changes in detail in the legislation which was enacted and the complex rules which followed the legislation tended to some extent to defeat the objects of land reform. They have concluded that the experience of the First Five Year Plan emphasises the importance of efficient administration of land reform and of informed and well organised public opinion in every local community. The fact that it is generally difficult for the tenants to establish their rights is also mentioned.

Programme of Implementation.

8. We have been asked to examine the feasibility of introducing uniform tenancy law all over the State immediately. This question has to be examined from two aspects, *viz.*,—

(1) whether the provisions proposed by us constitute too large a stride to be accomplished in one step in some of the areas ; and

(2) whether the conditions prevailing in the various areas are favourable for the uniform enforcement of the law throughout the State.

So far as the first aspect is concerned, we are of the opinion that there should be some finality in respect of land reforms and that by introducing these reforms in several stages in the areas where tenancy law is of comparatively recent origin, we will be hindering rather than fostering the main objects of tenancy legislation. Reviewing the effect of land reforms on agricultural production, Shri H. D. Malaviya pointed out recently in the A.I.C.C. Economic Review that half-hearted land reforms had resulted in a fall in production rather than increase. When once the goal is clear there should be no hesitation in reaching it within the shortest possible period. If a separate programme is to be drawn up for each area for each item, considerable areas would be left in a state of uncertainty and agricultural production will be hindered. Moreover, the reforms proposed by us cannot be

postponed in any area without serious consequences on the socio-economic structure. Some of the areas where legislation has been of very recent origin are the areas where the problem is most acute.

9. It has been brought to our notice that satisfactory records of tenancies exist only in Bombay area. In Hyderabad area such a record was prepared in 1950. There are no records at all of tenancies in Mysore, Coorg and Madras areas. The question therefore arises whether all the provisions recommended by us can be effectively implemented immediately in all the areas. The main items whose enforcement depends on the record of tenancies relate to the tenant's right of purchase and owner's right of resumption. According to our proposals the right of resumption is dependent on the size of the holding of both the tenant and the landlord. The resumable area cannot be demarcated finally until the family holding has been determined by the Land Commission for each local area. The Land Commission will require a period of about six months at least to do this work and the record of tenancies can also be got prepared during this period. We have also taken note of the fact that Government have recently issued instructions for the preparation of records of tenancies where they do not exist now. We would strongly urge upon the Government that this work should be given the utmost priority so that records may be completed by the time the family holding as determined by the Land Commission is notified. If the records are ready by the time the family holding is determined, there should be no difficulty in bringing into force simultaneously the provisions relating to resumption and tenant's right to ownership all over the State.

We recommend that during the interim period, that is till the demarcation of the resumable and non-resumable extents in a holding, the tenant should not be allowed to make any direct surrenders to the landlords nor landlords allowed to accept surrenders.

Though records of ownership are maintained in most areas for purposes of collecting land revenue, even the ceilings cannot become effective until the family holding is determined. In areas where entries in revenue records do not correctly indicate the actual possession of land, action may also be taken to complete the record of rights by the time the family holding is determined.

We therefore feel that there should be no difficulty in introducing simultaneously all over the State each of the various provisions recommended by us. The appropriate time for introducing each provision all over the State has to be determined with reference to the progress achieved in the preliminary work. There is no need to treat any areas as special areas where some of the provisions cannot be introduced at the same time as in other areas.

10. The Second Five Year Plan has suggested that ejectment of tenants and surrenders which have taken place during the last three years should be reviewed with a view to restore the land wherever circumstances justify such a course. As pointed out earlier in this chapter, most of these ejectments have either been for alleged non-payment of rent or through surrenders. Review of all these transactions *suo motu* by the Revenue officers will take too much of their time which could be more usefully devoted to the effective enforcement of the new law. We are, therefore, of the opinion that there is no necessity for the Revenue officers examining *suo motu* all ejectments and surrenders which have taken place in the past. At the same time we are for giving the displaced tenants an opportunity to get the same rights which tenants get under the new law. In Hyderabad and Bombay areas ejectments except through tenancy authorities had been prohibited and surrenders required to be verified before the revenue authorities ; no review of previous ejectments and surrenders therefore appears necessary in these areas. In Mysore, Coorg and Madras areas there was no restriction at all on surrenders up to 11th March 1957. There was no bar on ejectments also in Mysore and Coorg till that date. In Mysore tenants could be ejected on the expiry of the period of lease unless they had held the land for 12 years continuously prior to 1st April 1951. The tenancy law enforced in South Kanara in 1954 stayed ejectments. Hence we are of the opinion that in the areas where the right of ejectment has been restricted only recently, there should be provision for restoring possession to a tenant who has been ejected in anticipation of tenancy law. We, therefore, recommend that all tenants who had held land continuously for a period of six years prior to the date on which introduction of tenancy law in the area concerned was contemplated may be given an opportunity to apply within one year of the commencement of the new Act for restoration of the land. The date for computing this period of six years would be 1st January 1952 in respect of Mysore

area, 3rd March 1954 for South Kanara district and 27th September 1955 for Kollegal taluk. Tenancy law was introduced in Coorg for the first time on 11th March 1957. As this was after the close of the cultivation season and as a tenant's position is always to be determined with reference to cultivation, 1st July 1956 may be adopted as the date so far as Coorg area is concerned.

11. One of the main reasons for the failure of the Tenancy Acts to afford complete protection to tenants is that tenants are often ejected on the ground of default. The almost total absence of the system of issuing receipts places the tenant at a disadvantage in such proceedings. In future the penalties for non-issue of receipts should be strictly enforced. In addition, the law may lay down that no claim for recovery of rent from a tenant should be allowed unless it is preferred before the competent authority before the end of August next after the harvest. A tenant should be deemed to have committed default if the rent is not paid before the end of June next after the harvest. Any tenant who commits default in three consecutive years should be liable to eviction.

12. We consider that some relief has to be given to the tenants in proceedings already instituted for recovery of rent and/or eviction on ground of default and pending disposal. In such cases eviction of the tenant should not be ordered if he deposits within the time limit fixed by the court the arrears of rent as decided by the Court.

Agency for Implementation.

13. The main items of work in giving effect to the Tenancy Act will comprise the following:—

(1) Disposal of applications of landlords for resumption;

(2) Transfer of non-resumable extent in the name of tenants in Government records;

(3) Determination of ceiling and the disposal of surplus land; and

(4) Determination of cases which are entitled to exemption from the provisions of the Act.

Tenancy work is attended to by the revenue authorities in this State. Even in other States tenancy cases are normally

entrusted to revenue authorities. The United Nations Review on land reforms has pointed out that in countries where important new measures are introduced, enforcement has been entrusted to administrative machinery separate from the Courts and that the creation of a special administration or local organisation for this purpose is regarded in such countries as a condition of successful enforcement.

14. The landlords are unanimous in their suggestion that all matters arising under the Tenancy Act should be decided by civil courts. They also contend that the revenue officers who are generally expected to administer the Tenancy Act in addition to their normal duties cannot devote sufficient attention to this work in view of the ever-increasing demands on their time. It was also mentioned that the revenue officers have not got the necessary experience and the background in legal matters to decide the complicated questions arising under the tenancy law. While there is some force in this contention, we are not prepared to accept the suggestion that the administration of tenancy law should be entrusted to civil courts. Most of the points arising under the tenancy law have to be disposed of summarily in the same manner as matters arising under the Land Revenue Code and Land Acquisition Act. Civil Courts which are governed by meticulous and technical rules of procedure and evidence may not therefore be suitable as primary tribunals for handling tenancy matters. Moreover, local knowledge and experience of revenue officers is an important desideratum for the successful implementation of the Tenancy Act. We, however, feel that the tenancy work should not be entrusted to the revenue officers as part of their normal work. There should be a separate Land Tribunal for a group of taluks or far a single taluk if the work is heavy. The Land Tribunal should consist of a single officer of the status of Assistant Commissioner/Deputy Collector. This would ensure that an officer of sufficient maturity of experience and status is posted for this work. Wherever possible revenue officers with qualifications in law may be preferred for appointment as Tribunals.

The Tribunal should attend to all items of original work under the Tenancy Act except those specifically recommended by us for being entrusted to the Land Commission.

15. One of the members, Shri Mallikarjunappa Gowda is of the opinion that even officers of the status of Assistant Commissioners/Deputy Collectors will not possess the necessary

local knowledge and that amicable settlement of most of the disputes would be facilitated if two associates, one from a panel of landlords and one from a panel of tenants, assist the Tribunal. After having given their anxious consideration to this suggestion coming from a member who has ample experience of rural conditions, other members, however, feel that more complications than advantages would ensue from adoption of such a practice.

16. The Tribunal should as far as possible deal with cases in a summary manner as laid down in the Land Revenue Code and Land Acquisition Act. There should be only one appeal. There should be a full-time Appellate Authority for each district or group of districts and it should consist of an officer drawn from the cadre of District Judges.

17. There will be more than one Appellate Authority in the State. As no further appeals are provided for there must be some device for ensuring that the decisions given by the several Appellate Authorities conform to uniform principles. With this in view we recommend that where any question of law is involved and the Appellate Authority considers that existing decisions on that subject are not uniform it may make a reference to the High Court.

18. The next question is whether legal practitioners should be allowed to appear in tenancy courts. The Bar Associations have suggested that there should be no bar on pleaders appearing in tenancy cases. The ban on appearance of legal practitioners appears to be imposed having regard to the poor condition of tenants. If legal practitioners are allowed without any restriction the landlord will almost invariably engage a counsel, thereby driving the tenant also to engage a counsel. We are of the opinion that if legal practitioners are to be allowed before the Land Tribunal it should be on a specific request in writing by the tenant. In case the tenant makes such a request both the landlord and tenant will be entitled to be represented by legal practitioners. Legal practitioners may, however, appeal before the Appellate Authority.

19. Though all tenancy laws require landlords to pass receipts for rent, the practice is almost non-existent. One of the main grounds for urging cash rents and prohibition of produce rents is that if cash rents are fixed the tenant can remit the rent by money order and get a voucher. We have already given reasons for considering it desirable to allow produce rents for

some time. Hence it becomes necessary to ensure that receipts are passed by landlords in all cases. The only effective measure to enforce this would be to make non-issue of receipts a cognisable offence.

20. We have also observed that though the various tenancy laws prohibit transfers of land under certain circumstances, such transfers have still been taking place. The law declares such transactions as void, but does not prescribe any procedure for dealing with such cases. The relief, if at all available, is through civil courts. In view of the complicated and expensive nature of the proceedings in civil courts, the remedy is rarely availed of, and transactions declared by law to be void have nevertheless continued. So far as tenancy law is concerned the Land Tribunal should have the power to take over after summary enquiry all lands involved in transactions which are void under the law. If such action is taken by the Land Tribunal in a few selected cases, transactions in contravention of the law will be discouraged.

21. The Tribunal can act only on information supplied to it. Hence Officers of the Revenue and Settlement Departments and also village officers should be required by law to report all cases of transfers of land effected in contravention of the provisions of the tenancy law. Intentional failure to report such transactions may be made punishable with fine on conviction by a court, in addition to departmental action.

Land Commission.

22. In the scheme of tenancy law proposed by us the Land Commission plays a vital role. The basic units which the Land Commission will determine are:—

(1) The family holding } For each class of land
(2) Average produce per acre } for each local area.

The extent of land which could be resumed is directly dependent on the family holding, while the amount of rent payable by the tenant and the compensation for the land transferred from the landlord to the tenant will directly depend on the average produce determined by the Land Commission.

In view of the important and far-reaching nature of the decisions which the Land Commission will have to take, it is

necessary to ensure that the Commission is so constituted as to place it above all influence and interest. This can best be secured by having a Judge of the High Court as Chairman of the Land Commission.

The work of the Land Commission would demand combination of expert knowledge of various types. It will be essential to have a senior Revenue Officer with experience in Revenue administration and settlement, and also an officer who has specialised in agriculture. In addition it would be desirable to have two non-officials in the Commission. We, therefore, recommend that the Land Commission should consist of five members including the Chairman. The senior Revenue Officer should be of the rank and status of a Divisional Commissioner.

The Land Commission should be able, like the Election Commission, to function as an independent body.

CHAPTER X

MISCELLANEOUS

In the foregoing chapters we have discussed in detail the salient features of the proposed tenancy law. But there are some other matters which though not directly related to these features have an important bearing on tenancy law; and we propose to deal with them here.

CO-OPERATIVE FARMS.

2. As mentioned in the Second Five Year Plan, reorganisation of agriculture on co-operative lines finally taking the form of co-operative village management is teh ultimate goal to be aimed at. Although the progress made so far in this respect may have been slow, some steps to encourage co-operative cultivation as far as possible are essential; and this is particularly so in the case of small holdings which cannot be managed efficiently and economically as separate individual units. In course of time holdings below a certain level may have to be pooled together and brought under co-operative joint farming.

3. The Hyderabad Tenancy and Agricultural Lands Act, 1950 provides for the formation of co-operative farms. Any ten or more persons of a village or adjoining villages possessing 50 acres or more may start a co-operative farm and get it registered under the Hyderabad Co-operative Societies Act (section 66). Similarly, owners of small holdings which are below the family holding may come together and establish co-operative farms, subject to the conditions that two-thirds of the total number of small landholders of the village or villages must at least join and they must hold between themselves not less than two-thirds of the aggregate area of such small holdings (section 70). All lands comprising small holdings in the village would then be deemed to have been transferred to and held by the co-operative farm. The co-operative farm will be entitled to certain concessions in the form of reduction of land revenue or exemption from agricultural income-tax, financial aid from Government, etc. (section 86).

Under section 43A (1) (*c*) of the Bombay Act, lands held or leased by approved co-operative societies having for their objects the improvement of the economic and social conditions of

peasants or ensuring efficient use of land for agriculture and allied pursuits, have been exempted from certain sections of the Tenancy Act relating to the duration of tenancy, rent, resumption for personal cultivation, ceilings, alienation and assumption of State management. All sales effected by or in favour of a co-operative society are also exempted from restrictions on the transfer of land.

4. The provisions of sections 66 and 70 of the Hyderabad Act are enabling sections and we feel it desirable that these provisions should find a place in the new Tenancy Act.

Government may also examine whether some inducement may not be offered to the tenants of holdings less than a family holding to encourage them to join co-operative cultivation. It is very necessary to encourage these small holdings being brought under co-operative cultivation. In order to encourage cultivation on co-operative lines we would also suggest that a provision similar to section 86 of the Hyderabad Act should be incorporated in the new Act.

State Management of Lands.

5. Full and efficient management of agricultural lands is one of the primary objectives underlying tenancy law. But what in practice happens is that some lands are left uncultivated for reasons such as disputes between the landlord and tenant, civil litigation or neglect on the part of either party. With a view to ensure that cultivation does not suffer in this way, the law has to provide for requisite measures.

6. The Bombay Act provides that where any land remains uncultivated through default of either the landlord or the tenant or any other cause for any two consecutive years, Government may assume its management (section 65). Similarly if on account of the neglect by a Zamindar, Jahagirdar or a big landholder or disputes between him and his tenant cultivation of his estate has seriously suffered, the Government may assume management of his estate; Government may also do so in such cases with a view to ensure full and efficient use of the land for agriculture (section 44). Similar action in respect of land remaining uncultivated for 2 years may be taken under section 51 of the Hyderabad Tenancy and Agricultural Lands Act. Section 53-C of the latter Act further empowers Government to assume management of land in excess of 4½ family holdings belonging to a landholder which has not been leased to tenants

in case it is not efficiently cultivated. We would recommend that sections 44 and 65 of the Bombay Act should be adopted.

Standards of Efficient Cultivation.

7. In the course of our tours it was pointedly brought to our notice that very often the cultivator, whether he is the owner himself or a tenant, does not exert his utmost with the result that the yield obtained is poor. The lack of effort is particularly noticeable on the part of tenants. The land also suffers due to neglect. Protective measures to prevent erosion or steps to maintain the fertility of the soil by manuring are not also taken in many cases, especially where the holdings are large. It was, therefore, suggested that a certain minimum standard of efficiency in cultivation should be laid down and insisted upon both from the owner-cultivator and the tenant. The paramount need to do this is obvious.

8. Section 63-B of the Hyderabad Act empowers Government by rules to regulate standards of efficient cultivation and management of land with a view to bringing the agricultural economy to a higher level of efficiency. Such rules may provide for the issue of directions regarding the methods of agriculture to be followed, the use of improved seeds and other necessary measures to be taken. Agricultural production now being considered as a matter affecting national economy, individual neglect in this respect cannot be permitted.

It is desirable that a similar provision should be made in the new Act.

Khar Lands.

9. The new Mysore State has a coastline of about 200 miles on the west. Large extents of land on the coast which would normally be covered by salt water during high tide are made cultivable by erecting protective bunds to keep out the sea water. They are called khar, khajan or gazni lands. The lands being extensive in area, the cost of putting up such bunds is high and beyond the capacity of individuals. The cost can be reduced and erection of bunds rendered economic only if it is undertaken for a group of adjoining holdings. The bunds are further subject to the constant danger of being washed away. The result is that these lands remain uncultivated.

10. Continued and proper cultivation of these lands is, therefore, a problem which merits attention. In Bombay State there is a Khar Lands Development Board constituted for the purpose of reclaiming khar lands and rendering them fit for cultivation. A similar Board should be formed for this State also. Since development of khar lands on a lasting basis by individuals is impossible, we would suggest that the lands may either be acquired or taken on lease for a long term (not less than 99 years) by the Board. They should be improved by the Board and then leased to co-operative societies for cultivation. A survey of khar lands in the State and examination of the question of development of the lands by the Board as suggested may be taken up early.

Definition of Tenant.

11. It is necessary that the word 'tenant' should be precisely defined so as to guard against evasion of law. It is noticed that in some cases persons are entrusted with the work of merely collecting or harvesting the produce. Such persons should not be regarded as tenants. We would suggest that this should be made clear in the definition of tenant as has been done in the Madras Cultivating Tenants (Payment of Fair Rents) Act, 1956.

Prevention of Fragmentation.

12. The implementation of the provisions regarding the rights of resumption, especially by holders with less than a family holding, may result in the creation of fragments. As it is not in the interests of efficient agriculture to allow fragmentation in future, we suggest that where the exercise of the right of resumption would involve the formation of a fragment, such fragment should go to the person who is entitled to the larger part.

Subsidiary Provisions of Law.

13. We have so far indicated in broad outline the shape which the proposed tenancy law should take. In regard to the salient features of the law, we have explained in detail the main provisions which it should embody. In matters of lesser importance we have referred to the relevant sections of the existing Acts and have proposed their adoption with modifications where necessary. There will, however, still remain a large number of

provisions in the existing Acts which have not been specifically mentioned in the body of the report as worthy of adoption. These subsidiary provisions either mostly relate to the main aspects of the tenancy law and deal with ancillary matters arising out of them or are concerned with procedure and implementation. For obvious reasons, it is neither easy nor necessary to list all such provisions which should be incorporated in the new law. We can only suggest in this connection that the subsidiary provisions of the Bombay Act or those of the Hyderabad Act relating to subjects not covered by the Bombay Act may, in so far as they are not inconsistent with our recommendations contained in the preceding chapters, be included in the new Act with suitable modifications.

Acknowledgments.

14. We have been able to complete our work within the allotted time, solely because of the very sincere and unstinted co-operation we had from the Collectors/Deputy Commissioners and other Revenue Officers on whom the arrangements for our tours cast a heavy strain. We were not only furnished with all statistical and other information at short notice but also enabled to meet people with various shades of opinion in the several areas of the State.

The public also co-operated with us, often at considerable inconvenience to themselves. It is gratifying that as many as 5,000 persons took the trouble to send replies to our questionnaire. Within the brief compass of our report we could not make any specific reference to these replies, but we would like to place on record that these replies furnished us with invaluable information and gave us an insight into the manifold facets of the tenancy problem in general, and the wide local variations in particular. As we were rushed for time, meetings had often to be arranged at odd hours and we were not always able to keep up time. Regardless of all the inconvenience the public met us in large numbers wherever we went and enabled us to have free, frank and detailed discussions of the probelm.

We would also like to place on record our deep appreciation of the work of Sri A. M. Shaikh, our Deputy Secretary who has displayed conspicuous ability in assisting us in dealing with the various questions that have come up before us from time to time. The work done by the staff of the Committee throughout

at great pressure has been highly commendable and as such deserves recognition.

B. D. JATTI,
Chairman.

M. R. PATIL,
Member.

B. V. DESAI,
Member.

N. HUCHMASTHY GOWDA,
Member.

MALLIKARJUNAPPA GOWDA,
Member.

B. BASAVLINGAPPA,
Member.

C. A. MANDANNA,
Member.

B. R. KARKERA,
Member.

K. BALASUBRAMANYAM,
Member-Secretary.

V. S. HIREMATH,
Member.

M. RAMAPPA,
Member.

A. M. SHAIKH,
Deputy Secretary to Government, and Mysore Tenancy Agricultural Land Laws Cmmittee.

BANGALORE,
Dated, 10th September 1957.

APPENDIX I.

GOVERNMENT OF MYSORE.

REVENUE DEPARTMENT.

G. O. No. RD 30 TNC 57, dated 10th May 1957.

Tenancy Laws.

Appointment of a Committee for unification of —— in the State.

ORDER NO. RD 30 TNC 57, DATED BANGALORE, THE 10TH MAY 1957.

In order to examine the existing Tenancy and Agricultural Land Laws and to make recommendations for comprehensive legislation in the matter, Government are pleased to appoint a committee called the Mysore Tenancy Agricultural Land Laws Committee consisting of the following members.

Shriyuths—

1.	B, D. Jatti, B.A., LL.B., M.L.A., Jamkhandi, Bijapur District.	*Chairman*
2.	M. R. Patil, B.A., LL.B., M.L.A., Hubli	*Member*
3.	B. V. Desai, B.A., LL.B., M.L.A., Raichur	do
4.	N. Huchmasthy Gowda, B.A., M.L.A., Yadavanne Post, Kunigal Taluk.	do
5.	Mallikarjunappa Gowda, Yennekoppa P.O., Sorab Taluk ...	do
6.	B. Basavalingappa, B.A., LL.B., M.L.A., Bangalore ...	do
7.	C. A. Mandanna, B.A., B.L., Advocate, Mercara ...	do
8.	B. R. Karkera, M.L.A., Old Kent Road, Pandeshwar, Mangalore-1.	do
9.	K. Balasubramanyam, I.A.S., Special Secretary to Government, State Reorganisation Department	do
10.	V. S. Hiremath, B.A., LL.B., Collector, North Kanara ...	do

Shri K. Balasubramanyam shall be the Member-Secretary of the Committee.

The terms of reference of the Committee are as follows :—

The Committee shall examine the existing laws and practices in regard to the Land Tenancy in the several areas in the State and consistent with the recommendations of the Planning Commission suggest suitable measures for regulating land tenancies. It shall also examine whether it is feasible to have a common tenancy law in the new State of Mysore. Measures suggested towards this end shall cover, among others, the following matters :—

(*a*) Fixity of rent.

(*b*) Security of tenure.

(*c*) Right of resumption of land by land-lords for personal cultivation.

(*d*) Right of purchase by tenants and payment of compensation to land-lords

(*e*) Ceiling extent of land-holdings.

(*f*) Fixing the extent of basic or economic and family holdings and specifying the areas to which they apply.

(*g*) Prohibition of land ownership as a source of income by persons who are not themselves cultivators or by those who do not reside either in the village in which the land is situated or on the farm.

(*h*) Matters relating to the assumption and management or acquisition of lands by Government.

(*i*) Acquisition of land from persons who own the land in a village but who are neither agriculturists nor residents of the village.

(*j*) Restraint on alienation of land in favour of non-agriculturists.

The Committee is requested to submit its report to Government within a period of two months. It may undertake such tours in the State as may be necessary for its work, with the prior approval of Government. Separate orders will issue as regards the rates of T.A. payable in respect of such journeys.

Heads of Departments and Deputy Commissioners of Districts are requested to render all assistance to the Committee and see that any information or statistics called for by the Committee are furnished promptly.

The Secretary may submit proposals for clerical staff, if any, required by him for the Committee's work.

The Director of Government Printing and Stationery is authorised to attend to the printing work of the Committee and to supply articles of stationery on indent by the Member-Secretary.

M. S. SWAMINATHAN,

Secretary to Government,
Revenue Department.

To—The Compiler, *Mysore Gazette.*
The Chairman of the Committee.
Other Members of the Committee.
The Accountant General, Mysore, Bangalore.
The Divisional Commissioners.
The Secretaries to Government.
The other Heads of Departments.
The Deputy Commissioners of Districts.

Exd—B.G.S.

APPENDIX II

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT,
" VIDHANA SOUDHA ",

No. T.N.C. *Bangalore, dated.. .....1957.*

FROM

The Special Secretary to the Government of Mysore,
States Re-organisation Department and
Member-Secretary, Mysore Tenancy
Agricultural Land Laws Committee,
BANGALORE.

To

SHRI.....

... .

.....

SIR,

As you are perhaps aware, the Government of Mysore has recently appointed the Mysore Tenancy Agricultural Land Laws Committee for examining the existing tenancy laws and practices in the State including allied matters in land reforms and making recommendations for suitable legislation in the matter.

2. A copy of the questionnaire issued by the Committee is enclosed. Members of the Committee will be at..... .....from about..... to ..... on .....[Tour Programme of the Committee will be supplied/published in due course].

3. The Committee will be grateful if you will kindly favour it with your considered views and suggestions on the questions and on any other aspect of the subject of tenancy and land reforms so as to reach the committee not later than 20th June 1957 and also, if possible, make it convenient to meet the members and discuss with them your replies in detail. The replies may be addressed to the undersigned at the address mentioned above.

Yours faithfully,

K. BALASUBRAMANYAM,
Special Secretary to Government of Mysore,
States Re-organisation Department and
Member-Secretary, Mysore Tenancy
Agricultural Land Laws Committee.

THE MYSORE TENANCY LAND LAWS COMMITTEE

Name of person furnishing replies

Address

Optional	Details of land owned	Extent personally cultivated	Extent leased out
	Village or villages and Taluk in which situated.		
	If a tenant, total extent taken on lease. Rent paid.		

THE MYSORE TENANCY LAND LAWS COMMITTEE

QUESTIONNAIRE

ಪ್ರಶ್ನಾವಳಿ

I. (1) How far has the tenancy law in force in your area achieved in a substantial measure the main objective of securing fixity of tenure and fair rent to the tenant ?

I. (1) ನಿಮ್ಮ ಕ್ಷೇತ್ರದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಗೇಣಿಯ ಕಾಯ ದೆಯು, ಗೇಣಿದಾರನಿಗೆ ಕಾಲಾವಧಿಯ ಸ್ಥಿರತೆಯನ್ನು ಹಾಗೂ ಯೋಗ್ಯ ಗೇಣಿಯನ್ನು ದೊರಕಿಸಿಕೊಡುವ ಮುಖ್ಯ ಉದ್ದೇಶವನ್ನು ವಾಸ್ತವವಾಗಿ ಎಷ್ಟರಮಟ್ಟಿಗೆ ಸಾಧಿಸಿದೆ ?

(2) Do you consider that there has been any large scale evasion of the provisions of tenancy laws and if so what remedial measures (including amendments to the Act) would you suggest to prevent such evasions ?

(2) ಕಾಯದೆಗಳ ನಿಯಮಗಳನ್ನು ಬಹಳಮಟ್ಟಿಗೆ ಅನುಸರಿ ಸದೆ ತಪ್ಪಿಸಿಕೊಳ್ಳಲಾಗಿದೆ ಎಂದು ನೀವು ಭಾವಿಸು ತ್ತೀರಾ ಮತ್ತು ಹೀಗೆ ತಪ್ಪಿಸಿಕೊಳ್ಳುವುದನ್ನು ಪ್ರತಿ ಬಂಧಿಸಲು (ಅಧಿನಿಯಮಕ್ಕೆ ಮಾಡಬೇಕಾದ ತಿದ್ದು ಪಡಿಗಳನ್ನೊಳಗೊಂಡು) ಯಾವ ನಿವಾರಕ ಉಪಾಯ ಗಳನ್ನು ನೀವು ಸೂಚಿಸುತ್ತೀರಿ ?

Quantum of Rent

ಗೇಣಿಯ ಪರಿಮಾಣ

II. (1) Do you suggest that the rent should be payable only in cash and that rents in kind or crop share should be converted into cash rents forthwith ?

II. (1) ಗೇಣಿಯನ್ನು ಹಣದ ರೂಪದಲ್ಲಿಯೇ ಕೊಡಬೇಕೆಂದು ಮತ್ತು ಧಾನ್ಯರೂಪದಲ್ಲಿಯ ಅಥವಾ ಬೆಳೆಯ ಹಿಸ್ಸೆ ಯಲ್ಲಿಯ ಗೇಣಿಗಳು ಕೂಡಲೇ ಹಣದ ರೂಪದ ಗೇಣಿ ಗಳಾಗಿ ಪರಿವರ್ತಿಸಲ್ಪಡಬೇಕೆಂದೂ ನೀವು ಸೂಚಿಸು ವಿರಾ ?

(2) What proportion should the maximum rent for various classes of land in your area, bear to the gross produce ?

(2) ನಿಮ್ಮ ಕ್ಷೇತ್ರದಲ್ಲಿಯ ಭೂಮಿಯ ಬೇರೆ ಬೇರೆ ವರ್ಗಗಳ ಸಲುವಾಗಿರುವ ಪರಮಾವಧಿ ಗೇಣಿಯು ಒಟ್ಟು ಉತ್ಪ ನ್ನದ ಯಾವ ಪ್ರಮಾಣದಲ್ಲಿ ಇರಬೇಕು ?

(3) Are you in favour of fixing the rent on the basis of gross produce or as a multiple of an assessment ?

(3) ನೀವು ಒಟ್ಟು ಉತ್ಪನ್ನದ ಆಧಾರದ ಮೇಲೆ ಗೇಣಿಯನ್ನು ನಿರ್ಧರಿಸಲು ಸೂಚಿಸುವಿರಾ ಅಥವಾ ಕಂದಾಯದ ಕೆಲವು ಪಟ್ಟು ಇರಬೇಕು ಎಂದು ಸೂಚಿಸುತ್ತೀರಾ ?

(4) Does the assessment bear any definite proportion to the gross or net produce in your area ?

(4) ನಿಮ್ಮ ಪ್ರದೇಶದಲ್ಲಿ ಕಂದಾಯವು ಭೂಮಿಯ ಒಟ್ಟು ಉತ್ಪನ್ನಕ್ಕೆ ಅಥವಾ ನಿವ್ವಳ ಉತ್ಪನ್ನಕ್ಕೆ ಯಾವು ದಾದರೂ ನಿಶ್ಚಿತ ಪ್ರಮಾಣದಲ್ಲಿ ಇರುವುದೇ ?

(5) What safeguards would you suggest for the fixation of rent on the basis of assessment in areas like former Princely States and Jahagirs where the assessment was unduly high ?

(5) ಕಂದಾಯದ ದರವು ಹೆಚ್ಚಾಗಿದ್ದ ಮೊದಲಿನ ಸಂಸ್ಥಾನ ಗಳಂಥ ಅಥವಾ ಜಹಗೀರುಗಳಂಥ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕಂದಾಯದ ಆಧಾರದ ಮೇಲೆ ಗೇಣಿಯನ್ನು ನಿರ್ಧರಿಸು ವುದಕ್ಕಾಗಿ ಯಾವ ರಕ್ಷಣೆಗಳನ್ನು ನೀವು ಸೂಚಿಸು ವಿರಿ?

III. (1) Do you suggest that all leases should run indefinitely subject only to the land-lord's rights of termination of lease and resumption of land under certain special circumstances, or that it is sufficient if the leases are for not less than a specified period ? What minimum period would you suggest ?

III. (1) ಗೇಣಿ ಒಪ್ಪಂದವು ಒಂದು ಅನಿರ್ದಿಷ್ಟಕಾಲದವರೆಗೆ ಇರ ಬೇಕೆಂದೂ ಆದರೆ, ಜಮೀನುದಾರನು ಕೆಲವು ವಿಶೇಷ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಗೇಣಿ ಒಪ್ಪಂದವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಿ ಜಮೀನನ್ನು ತನ್ನ ಸ್ವಂತ ವಶಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳಲು ಅವಕಾಶವಿರಬೇಕೆಂದೂ ನೀವು ಸಲಹೆ ಮಾಡುತ್ತೀರಾ ಅಥವಾ ಗೇಣಿ ಒಪ್ಪಂದವು ಒಂದು ನಿರ್ದಿಷ್ಟವಾದ ಅವಧಿಗೆ ಕಡಮೆಯಿಲ್ಲದಂತೆ ಇದ್ದರೆ ಸಾಕೆಂದು ಭಾವಿಸುತ್ತೀರಾ? ಹಾಗಾದರೆ ಯಾವ ಕನಿಷ್ಠಾವಧಿಯನ್ನು ನೀವು ಸಲಹೆ ಮಾಡುತ್ತೀರಿ?

(2) Have there been in your area any large scale resumptions of lands held by tenants in anticipation of the introduction of tenancy law? If so, would you suggest that all resumptions from any particular date should be reviewed and the tenancies restored?

(2) ಗೇಣಿಶಾಸನವು ಜಾರಿಗೆ ಬರಬಹುದೆಂಬ ನಿರೀಕ್ಷೆಯಲ್ಲಿ ನಿಮ್ಮ ಪ್ರದೇಶದಲ್ಲಿ ಗೇಣಿದಾರನ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಭೂಮಿಗಳನ್ನು ದೊಡ್ಡ ಪ್ರಮಾಣದಲ್ಲಿ ಜಮೀನು ದಾರರು ವಾಪಸು ಪಡೆಯಲಾಗಿದೆಯೇ? ಹಾಗಿದ್ದರೆ ಒಂದು ನಿರ್ದಿಷ್ಟ ತಾರೀಖಿನ ತರುವಾಯ ಹಾಗೆ ಪುನಃ ಪಡೆಯಲಾದ ಸಂದರ್ಭಗಳನ್ನು ಪುನಃ ಪರಿಶೀಲಿಸ ತಕ್ಕುದು ಮತ್ತು ಗೇಣಿದಾರರಿಗೆ ಭೂಮಿಯನ್ನು ವಾಪಸು ಕೊಡಿಸತಕ್ಕುದು ಆವಶ್ಯಕವೆಂದು ನೀವು ಯೋಚಿಸು ತ್ತೀರಾ?

IV. (1) Are you in favour of giving unrestricted right of resumption of land to the land-lord for personal cultivation?

IV. (1) ಸ್ವತಃ ಸಾಗುವಳಿಗಾಗಿ ಜಮೀನು ಮಾಲಿಕನಿಗೆ ಯಾವ ನಿರ್ಬಂಧವೂ ಇಲ್ಲದೆ ಭೂಮಿಯನ್ನು ಪುನಃ ಪಡೆದು ಕೊಳ್ಳುವ ಹಕ್ಕನ್ನು ಕೊಡಬೇಕೆಂಬುದು ನಿಮ್ಮ ಅಭಿ ಪ್ರಾಯವೆ?

Or

ಅಥವಾ

Do you favour the right of resumption for personal cultivation being restricted to land-lords already cultivating extents less than a ceiling limit?

ಪರಮಾವಧಿ ಮಟ್ಟಕ್ಕಿಂತ ಕಡಮೆ ಜಮೀನುಗಳನ್ನು ಈಗಾಗಲೇ ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುವ ಜಮೀನು ಮಾಲಿಕರಿಗೆ ಮಾತ್ರ ಸ್ವತಃ ಸಾಗುವಳಿಗಾಗಿ ಜಮೀನನ್ನು ಪುನಃ ಪಡೆದುಕೊಳ್ಳುವ ಹಕ್ಕನ್ನು ಕೊಡಬೇಕೆಂದು ಸೂಚಿ ಸುವಿರಾ?

(2) Would you insist that the land-lord should contribute personal labour if he is to be deemed to be cultivating the land personally?

(2) ಭೂಮಿಯನ್ನು ಸ್ವತಃ ಸಾಗುವಳಿ ಮಾಡುತ್ತಾನೆಂದು ಪರಿಗಣಿಸಬೇಕಾದರೆ ಜಮೀನು ಮಾಲಿಕನು ಸ್ವತಃ ದುಡಿಯಲೇಬೇಕೆಂದು ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವೇ?

Or

ಅಥವಾ

Would you consider that the conditions of personal cultivation are fulfilled if the land-lord bears the entire risk of cultivation and the cultivation is supervised personally by the owner or by a member of his family residing during the greater part of cultivation season in the village in which the land is situate or a nearby village ?

ಜಮೀನು ಮಾಲಿಕನು ಸಾಗುವಳಿಯ ಪೂರ್ತಿ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ವಹಿಸಿ ಒಡೆಯನು (ಅವನ ಕುಟುಂಬದ ಯಾವೊಬ್ಬ), ಸಾಗುವಳಿಯ ಕಾಲದಲ್ಲಿ ಹೆಚ್ಚು ಅವಧಿ ಜಮೀನಿರುವ ಗ್ರಾಮದಲ್ಲಿ ಅಥವಾ ಸಮೀಪದ ಗ್ರಾಮದಲ್ಲಿ ಮಾಲಿಕನಾಗಲಿ ಅಥವಾ ಅವನ ಕುಟುಂಬದ ಯಾವೊಬ್ಬರಾಗಲಿ ವಾಸವಿದ್ದು ಸಾಗುವಳಿಯ ಮೇಲ್ವಿಚಾರಣೆ ವಹಿಸಿಕೊಂಡರೆ ಸ್ವತಃ ಸಾಗುವಳಿಯ ಶರ್ತುಗಳನ್ನು ಪೂರೈಸಿದಂತಾಗುವುದೆಂದು ನೀವು ಭಾವಿಸುವಿರಾ ?

V. (1) Are you in favour of conferring on tenants the right to demand that the land-lord may sell the surplus over the ceiling to them ?

V. (1) ಪರಮಾವಧಿ ಮಟ್ಟಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿರುವ ಜಮೀನುಗಳನ್ನು ಜಮೀನು ಮಾಲಿಕರು ತಮಗೇ ಮಾರಬೇಕೆಂದು ಒತ್ತಾಯಪಡಿಸುವ ಹಕ್ಕನ್ನು ಗೇಣಿದಾರನಿಗೆ ಕೊಡಬೇಕೆಂಬುದು ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವೆ ?

(2) If you are in favour of such a right what compensation would you suggest for payment to the land-lord ?

(2) ಇಂತಹ ಹಕ್ಕನ್ನು ಕೊಡತಕ್ಕುದೆಂದು ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವಿದ್ದಲ್ಲಿ ಜಮೀನು ಮಾಲಿಕನಿಗೆ ಎಷ್ಟು ಪರಿಹಾರವನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಸೂಚಿಸುವಿರಿ ?

(3) What is the number of instalments in which the compensation may be recovered from the tenant ?

(3) ಗೇಣಿದಾರನಿಂದ ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಎಷ್ಟು ಕಂತುಗಳಲ್ಲಿ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳಬಹುದು ?

(4) Which of the following three methods for recovery and payment of compensation would you recommend ?

(4) ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ವಸೂಲ್ಮಾಡುವುದಕ್ಕಾಗಿಯೂ ಮತ್ತು ಆ ಮೊಬಲಗನ್ನು ಜಮಿನು ಮಾಲೀಕನಿಗೆ ಸಲ್ಲಿಸುವುದಕ್ಕಾಗಿಯೂ, ಈ ಕೆಳಗೆ ಕಂಡ ಮೂರು ವಿಧಾನಗಳ ಪೈಕಿ ಯಾವ ವಿಧಾನವನ್ನು ನೀವು ಸಲಹೆ ಮಾಡುತ್ತೀರಿ:—

(*a*) The State recovers rent and finances payments of compensation to owners ;

(*a*) ರಾಜ್ಯ ಸರ್ಕಾರವು ಗುತ್ತಿಗೆ ಮೊಬಲಗನ್ನು ವಸೂಲ್ಮಾಡಿಕೊಂಡು ಜಮಿನು ಮಾಲೀಕರುಗಳಿಗೆ ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಕೊಡಲು ಹಣವನ್ನೊದಗಿಸುವುದು ;

(*b*) Besides land revenue the State recovers instalments of compensation from the tenants ; and

(*b*) ಜಮಿನು ಕಂದಾಯವಲ್ಲದೆ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಗೇಣಿದಾರರಿಂದ ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಕಂತುಗಳಲ್ಲಿ ವಸೂಲ್ಮಾಡುವುದು ; ಮತ್ತು

(*c*) The State recovers land revenue and tenants pay instalments of compensation directly to owners.

(*c*) ರಾಜ್ಯ ಸರ್ಕಾರವು ಜಮಿನು ಕಂದಾಯವನ್ನು ವಸೂಲ್ಮಾಡುವುದು ಮತ್ತು ಗೇಣಿದಾರರು ಕಂತುಗಳಲ್ಲಿ ಪರಿಹಾರದ ಮೊಬಲಗನ್ನು ಜಮಿನು ಮಾಲೀಕರುಗಳಿಗೆ ಸಲ್ಲಿಸುವುದು.

(5) Do you consider that the State may issue compensatory bonds redeemable at par over a period of 20 years, if either of the alternatives (*a*) or (*b*) mentioned in (4) is adopted ?

(5) (4) ನೆಯ ವಿಭಾಗದಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ (*a*) ಅಥವಾ (*b*) ವಿಧಾನಗಳ ಪೈಕಿ ಯಾವುದಾದರೂ ಒಂದು ವಿಧಾನವನ್ನು ಅಂಗೀಕರಿಸುವ ಪಕ್ಷದಲ್ಲಿ, 20 ವರ್ಷಗಳ ಅವಧಿಯಲ್ಲಿ ಹಣವನ್ನು ವಾಪಸು ಪಡೆಯಬಹುದಾದ 'ಬಾಂಡ್' (ಸಾಲಪತ್ರ) ಗಳನ್ನು ರಾಜ್ಯ ಸರ್ಕಾರವು ಸಾದರ್ಮಾಡಬೇಕೆಂದು ನೀವು ಪರ್ಯಾಲೋಚಿಸುವಿರಾ ?

(6) What rate of interest would you suggest for such bonds ?

(6) ಅಂಥ 'ಬಾಂಡ್' (ಸಾಲಪತ್ರಗಳ) ಸಂಬಂಧದಲ್ಲಿ ನೀವು ಯಾವ ಬಡ್ಡಿದರವನ್ನು ಸೂಚಿಸುತ್ತೀರಿ ?

VI. (1) Do you consider that there should be a ceiling the ownership of land ?

VI. (1) ಜಮೀನು ಮಾಲೀಕತೆಯ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಪರಮಾವಧಿ ಇರಬೇಕೆಂದು ನೀವು ಸೂಚಿಸುವಿರಾ ?

(2) you are generally in favour of a ceiling, are there any categories which should be exempted from the purview of the ceiling ?

(2) ಜಮೀನು ಮಾಲೀಕತೆಯ ಸಂಬಂಧದಲ್ಲಿ ಸಾಮಾನ್ಯವಾಗಿ ಅಂಥ ಒಂದು ಪರಮಾವಧಿ ಇರಬೇಕೆಂದು ನೀವು ಅಭಿಪ್ರಾಯಪಡುವುದಾದರೆ, ಹಾಗೆ ಪರಮಾವಧಿಯ ನಿಯಮದಿಂದ ಮಾಫ್ (ವಿನಾಯಿತಿ) ಪಡೆಯಬೇಕಾದ ಯಾವುದಾದರೂ ಬಗೆಯ ಜಮೀನುಗಳು ಇರುತ್ತವೆಯೆ ?

(3) Should ceilings be operative only when a landlord desires to resume land from a tenant for personal cultivation, or should ceilings be applicable even in cases where the land is already under personal cultivation ?

(3) ಒಬ್ಬ ಜಮೀನ್‌ದಾರನು ತಾನೇ ಖುದ್ದಾಗಿ ಸಾಗುವಳಿ ಮಾಡುವುದಕ್ಕಾಗಿ ಒಬ್ಬ ಗೇಣಿದಾರನಿಂದ ಜಮೀನನ್ನು ವಾಪಸು ಪಡೆಯಬೇಕೆಂದು ಬಯಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಮಾತ್ರವೇ, ಹಾಗೆ ಪರಿಮಾವಧಿಯ ನಿಯಮವು ಅನ್ವಯಿಸಬೇಕಾಗಿದೆಯೆ, ಅಥವಾ ಮೊದಲೇ (ಸ್ವಂತ) ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುವವರ ಜಮೀನುಗಳ ವಿಚಾರದಲ್ಲೂ ಸಹ ಹಾಗೆ ಪರಮಾವಧಿಯ ನಿಯಮವು ಅನ್ವಯಿಸಬೇಕಾಗಿದೆಯೆ ?

(4) Do you consider that the question of ceiling on land ownership should be dealt with as part of the general scheme for imposition of ceilings on incomes and the ceiling fixed for land should be such as to ensure to a person depending solely on agriculture, an income approximating to the ceiling fixed for income from non-agricultural sources ?

(4) ಆದಾಯ ಪರಮಾವಧಿಗಳನ್ನು ಹೊರಿಸುವ ಬಗ್ಗೆ ಇರುವ ಸಾಮಾನ್ಯ ಯೋಜನೆಯ ಭಾಗದೊಡನೆ ಭೂ ಒಡೆತನದ ಸಂಬಂಧದ ಪರಮಾವಧಿಯ ಪ್ರಶ್ನೆಯನ್ನು ವಿವೇಚಿಸ ತಕ್ಕುದೆಂದು ನೀವು ಸೂಚಿಸುವಿರಾ, ಮತ್ತು ಕೇವಲ ಒಕ್ಕಲತನದ ಮೇಲೆ ಅವಲಂಬಿಸುವವನಿಗೆ ದೊರಕುವ ಆದಾಯವು ಒಕ್ಕಲತನವಲ್ಲದ ಮಾರ್ಗಗಳಿಂದ ಬರುವ ಆದಾಯದ ಬಗ್ಗೆ ನಿಶ್ಚಯಿಸಲಾದ ಪರಮಾವಧಿಗೆ ಸಾಮಾನ್ಯವಾಗಿ ಸರಿಯಾಗುವಷ್ಟು ಆದಾಯವು ದೊರಕುವಂತೆ ಭೂಮಿಯ ಪರಮಾವಧಿಯು ಇರತಕ್ಕುದೆಂದು ನೀವು ತಿಳಿಯುವಿರಾ ?

Or

ಅಥವಾ

Do you consider that the ceiling for agricultural holdings should be fixed on *ad hoc* considerations apart from a general ceiling to incomes, having regard to the extent of land available for cultivation and the number of families which have to depend on agriculture for their subsistence ?

ಸಾಗುವಳಿಯ ಬಗ್ಗೆ ಲಭ್ಯವಿರುವ ಭೂಮಿಯ ವ್ಯಾಪ್ತಿಯನ್ನು ಮತ್ತು ತಮ್ಮ ಜೀವನದ ಸಲುವಾಗಿ ವ್ಯವಸಾಯದ ಮೇಲೆ ಅವಲಂಬಿಸಬೇಕಾಗುವ ಕುಟುಂಬಗಳ ಸಂಖ್ಯೆಯನ್ನು ಲಕ್ಷ್ಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡು, ಒಕ್ಕಲು ತನದ ಹಿಡುವಳಿಗಳ ಸಂಬಂಧದ ಪರಮಾವಧಿಯನ್ನು ಆದಾಯದ ಸಂಬಂಧದ ಸಾಮಾನ್ಯ ಪರಮಾವಧಿಯಿಂದ ಪ್ರತ್ಯೇಕವಾಗಿ ನಿಶ್ಚಯಿಸತಕ್ಕುದೆಂದು ನೀವು ತಿಳಿಯುವಿರಾ ?

(5) Should the ceiling be operative only for future acquisition by purchase or otherwise or should it be operative even for the existing holding ?

(5) ಖರೀದಿಯ ಮೂಲಕ ಅಥವಾ ಇತರ ರೀತಿಯಿಂದ ಇನ್ನು ಮುಂದೆ ಜಮೀನು ಪಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ಮಾತ್ರ ಪರಮಾವಧಿಯು ಜಾರಿಯಲ್ಲಿ ಇರಬೇಕೇ ಅಥವಾ ಸದ್ಯಕ್ಕಿರುವ ಹಿಡುವಳಿಯ ಬಗ್ಗೆ ಸಹ ಅದು ಜಾರಿಯಲ್ಲಿ ಇರಬೇಕೆ ?

(6) Should the ceiling be the economic (or family) holding or an integral multiple thereof ? What multiple would you suggest ?

(6) ಪರಮಾವಧಿಯು 'ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ' ಹಿಡುವಳಿಯಾಗಿರತಕ್ಕುದೆ ಅಥವಾ ಆ ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿಯ ಕೆಲವು ಪಟ್ಟು ಆಗಿರಬೇಕೆ ಹಾಗಿದ್ದಲ್ಲಿ ಎಷ್ಟು ಪಟ್ಟು ಸೂಚಿಸುವಿರಿ ?

Note.—" Economic (or family) holding " is the minimum area needed to ensure a reasonable standard of living for a family of five.

ಸೂಚನೆ :—'ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿ' ಅಂದರೆ ಐದು ಜನಗಳಿರುವ ಕುಟುಂಬವು ಸುಗಮವಾಗಿ ಜೀವನ ನಡೆಸಲು ಬೇಕಾದ ಕನಿಷ್ಠ ಪ್ರಮಾಣದ ಜಮೀನು.

(7) What would constitute an " economic or family holding " for the different classes of lands in the areas with which you are familiar ?

(7) ನಿಮಗೆ ಪರಿಚಿತವಿರುವ ಕ್ಷೇತ್ರಗಳಲ್ಲಿಯ ಬೇರೆ ಬೇರೆ ವರ್ಗಗಳ ಭೂಮಿಗಳ ವಿಷಯದಲ್ಲಿ " ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿ " ಎಷ್ಟಿರತಕ್ಕದ್ದು ?

(8) Do you consider that the ceiling has to be fixed in terms of standard acres? A note on "Standard Acre" extracted from the II Five-Year Plan is contained in Annexure I.

(8) ಪರಮಾವಧಿಯನ್ನು ಪ್ರಮಿತಿ (ಸ್ಟ್ಯಾಂಡರ್ಡ್) ಎಕರೆಗಳ ರೂಪದಲ್ಲಿ ನಿಶ್ಚಯಿಸಬೇಕಾಗುತ್ತದೆಂದು ನೀವು ಸಲಹೆ ಮಾಡುತ್ತೀರಾ?

ಪ್ರಮಿತಿ (ಸ್ಟ್ಯಾಂಡರ್ಡ್) ಎಕರೆ ಎಂಬುದರ ಬಗ್ಗೆ 2ನೇ ಪಂಚವಾರ್ಷಿಕ ಯೋಜನೆಯಿಂದ ಆಯ್ದುಕೊಳ್ಳಲಾದ ಟಿಪ್ಪಣಿಯನ್ನು 1ನೇ ಪರಿಶಿಷ್ಟದಲ್ಲಿ ಕೊಡಲಾಗಿದೆ.

(9) Would you agree to the standard acre being defined as the extent whose assessment including charges for irrigation, if any, is a definite amount?

(9) ಪ್ರಮಿತಿ (ಸ್ಟ್ಯಾಂಡರ್ಡ್) ಎಕರೆಯನ್ನು ನೀರಾವರಿಯ ಸೌಕರ್ಯಕ್ಕಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ಕೊಡುವ ಹಣ ಮತ್ತು ಜಮೀನಿನ ಕಂದಾಯ ಎರಡೂ ಸೇರಿ ಒಂದು ನಿರ್ದಿಷ್ಟವಾದ ಮೊತ್ತವಾಗುವ ವಿಸ್ತೀರ್ಣವುಳ್ಳ ಜಮೀನು ಎಂದು ಹೇಳಬಹುದೇ?

VII. (1) What procedure would you suggest for dealing with persons holding below the 'economic or family holding' who are not cultivators and do not reside in the village in which the land is situated?

VII. (1) "ಕುಟುಂಬ ಹಿಡುವಳಿ" ಗಿಂತ ಕಡಿಮೆ ಭೂಮಿಯನ್ನು ಪಡೆದು ಸ್ವತಃ ಸಾಗುವಳಿ ಒಕ್ಕಲುತನ ಮಾಡದೆ ಮತ್ತು ಯಾವ ಗ್ರಾಮದಲ್ಲಿ ಭೂಮಿಯು ಇರುವುದೋ ಅಂಥ ಗ್ರಾಮದಲ್ಲಿ ವಾಸಮಾಡದೆ ಇರುವ ಜನರಬಗ್ಗೆ ಯಾವ ಕಾರ್ಯವಿಧಾನವನ್ನು ನೀವು ಸೂಚಿಸುವಿರಿ?

(2) Are you in favour of exempting holdings in excess of the economic or family holding but less than the ceiling from the provisions relating to the transfer of ownership to the tenants?

(2) ಗೇಣಿದಾರರಿಗೆ ಒಡೆತನವನ್ನು ವರ್ಗಾಯಿಸುವ ನಿಯಮಗಳಿಂದ ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿಗಿಂತಲೂ ಹೆಚ್ಚಾಗಿದ್ದು ಪರಮಾವಧಿಗಿಂತಲೂ ಕಡಿಮೆ ವಿಸ್ತೀರ್ಣವುಳ್ಳ ಹಿಡುವಳಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಮಾಫ್ (ವಿನಾಯಿತಿ) ಕೊಡಲು ನೀವು ಒಪ್ಪುವಿರಾ?

(3) Do you consider such exemption be only for a limited period within which the land-lords should take up personal cultivation ?

(3) ಇಂಥ ವಿನಾಯಿತಿಗಳು (ಮಾಫ್) ಕೇವಲ ಒಂದು ನಿಗದಿಯ ಅವಧಿವರೆಗಿದ್ದು ಆ ಅವಧಿಯಲ್ಲಿ ಭೂಮಾಲೀಕನು ಸ್ವಂತ ಸಾಗುವಳಿಯನ್ನು ಕೈಕೊಳ್ಳಬೇಕೆಂದು ನೀವು ಭಾವಿಸುವಿರಾ ?

VIII. (1) Are you in favour of Government having the powers to assume management of land-holders' estate when cultivation has suffered and the assumption of management by Government is necessary for ensuring the full and efficient use of the land for agriculture ?

VIII. (1) ಸಾಗುವಳಿಯ ಕೆಲಸವು ಸರಿಯಾಗಿ ನಡೆಯದಿದ್ದಾಗ, ವ್ಯವಸಾಯದ ಜಮೀನನ್ನು ಪೂರ್ತಿಯಾಗಿಯೂ ಮತ್ತು ದಕ್ಷತೆಯಿಂದಲೂ ಸಾಗುವಳಿಮಾಡುವುದನ್ನು ದೃಢಪಡಿಸಿಕೊಳ್ಳುವ ಸಲುವಾಗಿ ಸರ್ಕಾರದವರು, ಭೂಮಿಯ ಮಾಲೀಕನ ಜಮೀನಿನ ಕಾರ್ಯನಿರ್ವಹಣೆಯನ್ನು ವಹಿಸಿಕೊಳ್ಳುವುದು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸುವಿರಾ ?

(2) If you are in favour of Government having such powers, do you consider that the provisions of the Bombay Tenancy and Agricultural Lands Act of 1948 (*Vide* Annexure II) are suitable for the purpose and may be enforced all over the State ?

(2) ಇಂಥ ಅಧಿಕಾರಗಳು ಸರ್ಕಾರಕ್ಕೆ ಇರಬಹುದೆಂದು ನೀವು ಒಪ್ಪಿದರೆ 1948ನೇ ಇಸವಿಯ ಮುಂಬಯಿಯ ಗೇಣಿದಾರಿಕೆ ಒಕ್ಕಲುತನದ ಕಾನೂನಿನ ನಿಯಮಗಳು [(2)ನೇ ಪೂರವಣಿಯನ್ನು ನೋಡಿರಿ] ಈ ಉದ್ದೇಶದ ಸಲುವಾಗಿ ಸೂಕ್ತವಿರುವವೆಂದೂ ಇಡೀ ರಾಜ್ಯಕ್ಕೆ ಅನ್ವಯಿಸಲು ಯೋಗ್ಯವಿರುವವೆಂದೂ ನೀವು ತಿಳಿಯುತ್ತೀರಾ ?

IX (1) Do you consider that in future persons who are not themselves cultivators or who do not reside either in the village in which the land is situated or on the farm should be prohibited from acquiring land ?

IX. (1) ಸ್ವತಃ ಸಾಗುವಳಿ ಒಕ್ಕಲುತನ ಮಾಡದಿರುವವರು ಅಥವಾ ಯಾವ ಗ್ರಾಮದಲ್ಲಿ ಜಮೀನು ಇರುತ್ತದೋ ಅಂಥ ಗ್ರಾಮದಲ್ಲಿ ಅಥವಾ ಜಮೀನಿನ ಮೇಲೆ ವಾಸ ಮಾಡದೆ ಇರುವವರು ಇನ್ನುಮುಂದೆ ಭೂಮಿಯನ್ನು ಪಡೆಯದಂತೆ ಪ್ರತಿಬಂಧಿಸಬೇಕೆಂದು ಇಚ್ಛಿಸುವಿರೋ ?

(2) If you agree to such prohibition, are you in favour of imposing a total ban on alienations of land in favour of non-agriculturists ?

(2) ಇಂಥ ಪ್ರತಿಬಂಧಕ್ಕೆ ನೀವು ಒಪ್ಪಿದರೆ (ಸಾಗುವಳಿ) ಒಕ್ಕಲುತನ ಮಾಡದವರಿಗೆ ಜಮೀನುಗಳನ್ನು ಪರಾಧೀನ ಮಾಡುವುದನ್ನು ಪೂರ್ತಿಯಾಗಿ ತಡೆಗಟ್ಟುವ ನಿರ್ಬಂಧವನ್ನು ವಿಧಿಸಲು ಒಪ್ಪು ವಿರಾ ?

(3) Will such restriction on alienations in any way affect the credit of the agriculturists and hamper cultivation ?

(3) ಪರಾಧೀನಗಳ ಮೇಲೆ ಅಂಥ ನಿರ್ಬಂಧಗಳನ್ನು ತಂದ ಪಕ್ಷದಲ್ಲಿ ವ್ಯವಸಾಯಗಾರನ (ಪತ್ತು) ಸಾಲಪಡೆಯುವ ಅರ್ಹತೆಗೆ ಕುಂದುಗಳೇನಾದರೂ ಬರುವುವೇ ಮತ್ತು ಸಾಗುವಳಿಗೆ ಅಡ್ಡಿ ಆತಂಕಗಳು ಉಂಟಾಗುವುವೇ ?

X. (1) Do you consider that the conditions and practices prevailing in the different areas of the State are favourable to the introduction of a common tenancy law for the whole State?

X. (1) ರಾಜ್ಯದಲ್ಲಿಯ ಬೇರೆ ಬೇರೆ ಕ್ಷೇತ್ರಗಳಲ್ಲಿ ಪ್ರಚಲಿತವಿರುವ, ಪರಿಸ್ಥಿತಿಯ ಹಾಗೂ ಪದ್ಧತಿಗಳು, ಇಡೀ ರಾಜ್ಯದ ಸಲುವಾಗಿ ಒಂದೇ ಗೇಣಿದಾರಿಕೆಯ ಕಾಯಿದೆಯನ್ನು ಜಾರಿ ಮಾಡುವುದಕ್ಕೆ ಅನುಕೂಲವಾಗಿರುವವೆಂದು ನೀವು ಭಾವಿಸುವಿರಾ ?

(2) Please give your opinion whether each of the following provisions may be introduced in your region immediately :

(2) ಈ ಕೆಳಗಿನ ನಿಯಮಗಳ ಪೈಕಿ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನೂ ನಿಮ್ಮ ಪ್ರದೇಶದಲ್ಲಿ ಕೂಡಲೇ ಜಾರಿಗೆ ತರುವ ಬಗ್ಗೆ ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಸೂಚಿಸಿ:

(*a*) Fixation of maximum rent ;

(*a*) ಪರಮಾವಧಿ ಗೇಣಿಯನ್ನು ಗೊತ್ತುಪಡಿಸುವುದು ;

(*b*) Continuance of existing leases, termination of leases being allowed only under special circumstances ;

(*b*) ಸದ್ಯಕ್ಕಿರುವ ಗೇಣಿ ಒಪ್ಪಂದಗಳನ್ನು ಒಂದು ನಿರ್ದಿಷ್ಟ ಅವಧಿಯವರೆಗೆ ಮುಂದುವರಿಸುವುದು, ಗೇಣಿ ಕರಾರುಗಳನ್ನು ವಿಶೇಷ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಮುಕ್ತಾಯಗೊಳಿಸುವುದಕ್ಕೆ ಅವಕಾಶಕೊಡುವುದು ;

(c) Restriction of the right of resumption of land only for personal cultivation and only to the extent required to make up the ceiling where the land-lord is not already in possession of an extent greater than the ceiling ;

(c) ಸ್ವಂತ ಸಾಗುವಳಿಗಾಗಿ ಮಾತ್ರ ಮತ್ತು ಭೂ-ಒಡೆಯನು ಪರಮಾವಧಿ ಕ್ಷೇತ್ರಕ್ಕೆ ಸರಿಯಾಗುವಷ್ಟು ಕ್ಷೇತ್ರವನ್ನು ಪಡೆದಿರದಿದ್ದಾಗ್ಗೆ, ಪರಮಾವಧಿ ಕ್ಷೇತ್ರಕ್ಕೆ ಸರಿಯಾಗುವಷ್ಟು ಭೂಮಿಯನ್ನು ಮಾತ್ರ ಮರಳಿ ಪಡೆಯುವ ಹಕ್ಕಿಗೆ ನಿರ್ಬಂಧ;

(d) Conferring on tenants the right to purchase the extent in excess of the area which the land-lord can resume under the law.

(d) ಯಾವ ಕ್ಷೇತ್ರವನ್ನು ಭೂ-ಒಡೆಯನು ಕಾಯಿದೆಯ ಪ್ರಕಾರ ಮರಳಿ ಪಡೆಯಬಲ್ಲನೋ ಅಂಥ ಕ್ಷೇತ್ರಕ್ಕಿಂತ ಹೆಚ್ಚು ಭೂಮಿಯನ್ನು ಕೊಂಡುಕೊಳ್ಳಲು ಗೇಣಿದಾರರಿಗೆ ಹಕ್ಕನ್ನು ಒದಗಿಸಿಕೊಡುವುದು.

(e) Fixation of a ceiling for the purposes of resumption for personal cultivation and also in respect of persons who are themselves cultivating.

(e) ಸ್ವತಃ ಸಾಗುವಳಿ (ಒಕ್ಕಲುತನ) ಮಾಡಲು ಪುನಃ ಭೂಮಿಯನ್ನು ಪಡೆಯುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಮತ್ತು ತಾವೇ ಸ್ವತಃ ಸಾಗುವಳಿ (ಒಕ್ಕಲುತನ) ಮಾಡುತ್ತಿರುವ ಜನರ ಸಂಬಂಧದಲ್ಲಿ ಕೂಡ ಭೂಮಿಯ ಪರಮಾವಧಿ ಮಟ್ಟವನ್ನು ಗೊತ್ತು ಪಡಿಸುವುದು.

(f) Prohibition of ownership of land by persons who are not themselves cultivators.

(f) ಸ್ವತಃ ಸಾಗುವಳಿ (ಒಕ್ಕಲುತನ) ಮಾಡದಿರುವವರು ಭೂಮಿಯನ್ನು ಪಡೆಯದಂತೆ ಪ್ರತಿಬಂಧಿಸುವುದು.

(g) Government management of lands held by non-cultivators.

(g) ಕೃಷಿಕಾರರಲ್ಲದವರ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಜಮೀನುಗಳನ್ನು ಸರಕಾರದವರು ವಹಿಸಿಕೊಂಡು ವ್ಯವಸಾಯ ಮಾಡಿಸುವುದು.

(h) Restraint of alienation of land in favour of non-agriculturists.

(h) ಸ್ವತಃ ಸಾಗುವಳಿ (ಒಕ್ಕಲುತನ) ಮಾಡದವರಿಗೆ ಭೂಮಿಗಳ ವರ್ಗಾಂತರವನ್ನು ತಡೆಯುವುದು ;

XI. (1) Have you got any suggestions regarding the agency which should administer the Tenancy Acts?

XI. (1) ಗೇಣಿ ಅಧಿನಿಯಮವನ್ನು ಆಚರಣೆಗೆ ತರುವ ಆಡಳಿತ ವ್ಯವಸ್ಥೆ ಬಗ್ಗೆ ತಾವೇನಾದರೂ ಸಲಹೆಗಳನ್ನು ಮಾಡುವಿರಾ?

(2) Would you favour Judicial Officers being appointed to fix fair rents, to permit resumption for personal cultivation and to determine compensation payable by a tenant for becoming owner of the land?

(2) ನ್ಯಾಯವಾದ ಗೇಣಿ ಹಣವನ್ನು ಗೊತ್ತುಪಡಿಸಲು, ಸ್ವತಃ ಕೃಷಿಮಾಡಲೋಸುಗ ಭೂಮಿಯನ್ನು ಪುನಃ ಪಡೆದುಕೊಳ್ಳಲು ಅನುಮತಿಯನ್ನು ಕೊಡಲು ಮತ್ತು ಭೂಮಿಯ ಒಡೆಯನಾಗಲು ಗೇಣಿದಾರನು ಸಲ್ಲಿಸಬೇಕಾದ ಪರಿಹಾರ ಧನವನ್ನು ನಿರ್ಧರಿಸಲು ನ್ಯಾಯಾಧಿಕಾರಿಗಳ ನೇಮಕವನ್ನು ಸಲಹೆಮಾಡುತ್ತೀರಾ?

Or

ಅಥವಾ

Would you favour Revenue Officers performing these functions?

ಈ ಕರ್ತವ್ಯಗಳನ್ನು ರೆವೆನ್ಯೂ ಅಧಿಕಾರಿಗಳು ನೆರವೇರಿಸುವುದನ್ನು ಒಪ್ಪುವಿರಾ?

(3) Would you favour legal practitioners being excluded from appearance in cases under Tenancy Laws?

(3) ಗೇಣಿ ಅಧಿನಿಯಮಗಳನ್ವಯದ ಪ್ರಕರಣಗಳಲ್ಲಿ ವಕೀಲರು ವಕಾಲತ್ತು ವಹಿಸುವುದಕ್ಕೆ ತಡೆಯಿರಬೇಕೆ?

XII. (1) Would you recommend exempting lands held or leased by local authorities and Universities or lands which are the property of a public trust for religious, charitable or an educational purpose, (hospital or an institution for public religious worship) from the provisions regarding termination of lease, quantum of rent, suspensions and remissions of rent and subletting.

XII. (1) ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಿಗಳಿಂದ ಮತ್ತು ವಿಶ್ವವಿದ್ಯಾನಿಲಯಗಳಿಂದ ಗೇಣಿಗೆ ಕೊಡಲಾದ ಅಥವಾ ಅವುಗಳ ಸ್ವಾಧೀನದಲ್ಲಿರುವ ಭೂಮಿಗಳನ್ನು ಅಥವಾ ಧಾರ್ಮಿಕ, ಧರ್ಮಆದಾಯದ ಅಥವಾ ಶೈಕ್ಷಣಿಕ ಉದ್ದೇಶಗಳಿಗಾಗಿರುವ ಸಾರ್ವಜನಿಕ ನ್ಯಾಸದ ಸೊತ್ತಾಗಿರುವ ಭೂಮಿಗಳಿಗೆ, ಗೇಣಿ ಕರಾರನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸುವ, ಗೇಣಿ ಹಣದ ಪರಿಮಾಣ, ಗೇಣಿ ಹಣವನ್ನು ನಿಲ್ಲಿಸುವ ಮತ್ತು ತಗ್ಗಿಸುವ ಮತ್ತು ಉಪ ಗೇಣಿಗೆ ಸಂಬಂಧಪಟ್ಟ ನಿಬಂಧನೆಗಳಿಂದ ವಿನಾಯಿತಿ (ಮಾಫ್) ಕೊಡಬೇಕೆಂದು ಸೂಚಿಸುವಿರಾ?

(2) Do you think that Co-operative Societies should be exempted from any of the provisions of Tenancy Law ? If so, from what provisions and subject to what conditions ?

(2) ಗೇಣಿ ಕಾನೂನಿನ ಯಾವುದಾದರೂ ನಿಯಮವು ಅನ್ವಯಿಸದಂತೆ ಪರಸ್ಪರ ಸಹಾಯಕ ಸಂಘಗಳಿಗೆ ಮಾಫಿ ವಿನಾಯಿತಿ ಕೊಡಬೇಕೆಂದು ನೀವು ಭಾವಿಸುವಿರಾ? ಹಾಗೆ ಭಾವಿಸುವುದಾದರೆ, ಯಾವ ನಿಯಮಗಳು ಅನ್ವಯಿಸದಂತೆ (ಮಾಫಿ) ವಿನಾಯಿತಿ ಕೊಡಬೇಕು? ಯಾವ ಯಾವ ಷರತ್ತುಗಳಿಗೊಳಪಟ್ಟು ಈ (ಮಾಫಿ) ವಿನಾಯಿತಿಯನ್ನು ಕೊಡಬೇಕು?

XIII. Do you suggest that persons whose total income is below a specified amount should be exempted from any of the provisions of Tenancy Law ? If so, from what provisions and what should be the limit of income of the person to be so exempted ?

XIII. ಒಂದು ನಿರ್ದಿಷ್ಟ ಆದಾಯಕ್ಕಿಂತ ಒಟ್ಟು ಕಡಮೆ ಆದಾಯವುಳ್ಳವರಿಗೆ, ಗೇಣಿ ಕಾನೂನಿನ ಯಾವುದಾದರೂ ನಿಯಮವು ಅನ್ವಯಿಸದಂತೆ (ಮಾಫಿ) ವಿನಾಯಿತಿ ಕೊಡಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುತ್ತೀರಾ? ಹಾಗಿದ್ದರೆ, ಯಾವ ಯಾವ ನಿಯಮಗಳು ಅಂಥವರಿಗೆ ಅನ್ವಯಿಸದಂತೆ ಮಾಫಿ ವಿನಾಯಿತಿ ಕೊಡಬೇಕೆನ್ನುವಿರಿ? ಹಾಗೆ (ಮಾಫಿ) ವಿನಾಯಿತಿ ಪಡೆಯಲು ಅಂಥ ಮನುಷ್ಯನ ಆದಾಯದ ಪರಿಮಿತಿಯೇನಿರಬೇಕು?

XIV. (1) Would you suggest that while leasing out lands taken under Government management first preference should be given to Co-operative Farming Societies ?

XIV. (1) ಸರ್ಕಾರದ ಆಡಳಿತಕ್ಕೆ ತೆಗೆದುಕೊಂಡ ಜಮೀನುಗಳನ್ನು ಗೇಣಿಗೆ ಕೊಡುವಾಗ ಸಹಕಾರ ಪದ್ಧತಿಯ ಮೇರೆಗೆ ಸಾಗುವಳಿ ಮಾಡುವ ಸಂಘಗಳಿಗೆ ಮೊದಲನೆಯ ಪ್ರಾಶಸ್ತ್ಯವನ್ನು ಕೊಡಬೇಕೆಂಬುದಾಗಿ ಸಲಹೆ ಮಾಡುತ್ತೀರಾ?

(2) What are your views regarding statutory provision being made to bring all holdings in a village below the economic or family holding, into a Co-operative Farming Society, if not less than 2/3 of the persons holding lands below the economic or family holding, and owning in all not less than 2/3 of the aggregate area comprised in all such holdings below the economic or family holding apply ?

(2) ಒಂದು ಗ್ರಾಮದಲ್ಲಿ ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬದ ಹಿಡುವಳಿಗಿಂತ ಕಡಮೆ ವಿಸ್ತೀರ್ಣದ ಹಿಡುವಳಿಗಳನ್ನು ಪಡೆದಿರುವವರಲ್ಲಿ ಮೂರರಲ್ಲಿ ಎರಡರಷ್ಟು ಭಾಗಕ್ಕೆ ಕಡಮೆಯಿಲ್ಲದ ಪ್ರಮಾಣದ ಹಿಡುವಳಿದಾರರಾಗಿ, ಆ ಗ್ರಾಮದಲ್ಲಿ ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿಗಿಂತ ಕಡಮೆ ವಿಸ್ತೀರ್ಣದ ಹಿಡುವಳಿಗಳ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣದಲ್ಲಿ ಮೂರರಲ್ಲಿ ಎರಡು ಭಾಗಕ್ಕಿಂತ ಕಡಮೆಯಿಲ್ಲದಷ್ಟು ವಿಸ್ತೀರ್ಣದ ಹಿಡುವಳಿಗಳನ್ನು ಪಡೆದಿರುವವರು ಕೋರಿದ ಪಕ್ಷದಲ್ಲಿ, ಎಲ್ಲಾ ಆರ್ಥಿಕ ಅಥವಾ ಕುಟುಂಬ ಹಿಡುವಳಿಗೆ ಕಡಮೆಯಿಲ್ಲದ ಹಿಡುವಳಿಗಳನ್ನು ಸೇರಿಸಿ ಒಂದು ಸಹಕಾರ ಪದ್ಧತಿಯ ಮೇರೆಗೆ ಸಾಗುವಳಿ ಮಾಡುವ ಸಂಘವನ್ನು ಏರ್ಪಡಿಸುವುದಕ್ಕೆ ಕಾನೂನಿನಲ್ಲಿ ನಿಯಮವನ್ನು ರಚಿಸಬೇಕೆಂಬ ವಿಚಾರದಲ್ಲಿ ನಿಮ್ಮ ಅಭಿಪ್ರಾಯವೇನು ?

Date..... *Signature.*

ದಿನಾಂಕ..... ರುಜು.

ANNEXURE I.

32. In carrying out any large scheme of land reform, differences in quality of land have to be reduced to some common measure. Following the experience gained in the resettlement of displaced persons in Punjab and Pepsu, where more than half a million families were settled on about 5 million acres of land with due regard to the rights and quality of land abandoned by them in Pakistan, States were requested to work out suitable formulæ for "standard acres". Lands of different qualities in each State could then be valued in terms of the approved "standard acre". Thus, a "standard acre" is an acre of land of a given quality to which other classes of land can be related for purposes of valuation. In some States the "standard acre" has been determined with reference to the productivity of land in terms of yields recorded at settlements or other available data; in others, in relation to the class of irrigation or in terms of a given amount of land revenue assessment or rent rates. Sometimes more than one criterion has been used in combination. Being related to particular States or regions further study would be needed before attempting to use "standard acres" for different areas as a basis for inter-State or inter-regional comparisons. Within a State or a region, however, a scheme of valuation such as most States have now evolved is an essential tool for implementing a programme for resettlement and redistribution of land. At some future date it may be possible to undertake investigations leading to the evolution of a "standard acre" for the entire country to which State or regional "standard acres" can be related for purposes of comparison.

Iನೆಯ ಪರಿಶಿಷ್ಟ.

ಭೂ ಸುಧಾರಣೆಯ ಯಾವುದೊಂದು ದೊಡ್ಡ ಯೋಜನೆಯನ್ನೇ ಆಗಲಿ ಕಾರ್ಯಗತಮಾಡುವಾಗ್ಗೆ, ಬೇರೆ ಬೇರೆ ಸತ್ತ್ವಗಳನ್ನುಳ್ಳ ಭೂಮಿಗಳನ್ನು ನಿರ್ದಿಷ್ಟವಾದ ಕೆಲವು ಗುಂಪುಗಳಾಗಿ ವಿಂಗಡಿಸಿಕೊಳ್ಳಬೇಕಾಗುವುದು. ಪಾಕಿಸ್ಥಾನದಲ್ಲಿ ತಮ್ಮ ಜಮೀನುಗಳನ್ನು ಬಿಟ್ಟು ವಲಸೆ ಬಂದವರು ಯಾವ ಯಾವ ಹಕ್ಕುಗಳನ್ನೂ ಮತ್ತು ಯಾವ ಯಾವ ಸತ್ಯಗಳನ್ನುಳ್ಳ ಭೂಮಿಗಳನ್ನೂ ಬಿಟ್ಟು ಬಂದಿದ್ದರೋ ಆ ವಿಚಾರಗಳಿಗೆ ತಕ್ಕಷ್ಟು ಗಮನಕೊಟ್ಟು, ಪಂಜಾಬ್ ಮತ್ತು ಪೆಪ್ಸು ರಾಜ್ಯಗಳಲ್ಲಿ ಐದು ಲಕ್ಷಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಕುಟುಂಬಗಳನ್ನು ಸುಮಾರು ಒಟ್ಟು 50 ಲಕ್ಷ ಎಕರೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನುಗಳಲ್ಲಿ ನೆಲೆಗೊಳಿಸಲಾಯಿತು. ಹೀಗೆ ಸ್ಥಾನಬದ್ಧರಾದವರನ್ನು ಪುನರ್ವ್ಯವಸ್ಥೆಗೊಳಿಸುವುದರಲ್ಲಿ ಬಂದ ಅನುಭವವನ್ನು ಅನುಸರಿಸಿ, ಪ್ರಮಿತಿ ಎಕರೆ ಪ್ರದೇಶವನ್ನು ಗೊತ್ತುಮಾಡುವುದಕ್ಕೆ ತಕ್ಕ ಪ್ರಣಾಲಿಕೆಗಳನ್ನು ಸಿದ್ಧಪಡಿಸಿಕೊಡಬೇಕೆಂದು ಬೇರೆ ಬೇರೆ ರಾಜ್ಯಗಳವರನ್ನು ಕೋರಲಾಯಿತು. ಹೀಗೆ ಮಾಡಿದಲ್ಲಿ, ಪ್ರತಿಯೊಂದು ರಾಜ್ಯದಲ್ಲಿರುವ ಬೇರೆ ಬೇರೆ ಸತ್ತ್ವಗಳ ಜಮೀನುಗಳನ್ನು ಅನುಮೋದಿತವಾದ 'ಪ್ರಮಿತಿ ಎಕರೆ''ಗಳನ್ನಾಗಿ ಲೆಕ್ಕಹಾಕಿ ಜಮೀನುಗಳ ಮೌಲ್ಯವನ್ನು ನಿರ್ಧರಿಸುವುದು ಸಾಧ್ಯವಾಗುತ್ತದೆ. ಎಂದರೆ, "ಪ್ರಮಿತಿ ಎಕರೆ" ಎನ್ನುವುದು ಒಂದು ಗೊತ್ತಾದ ಗುಣಾಂಶವಿರುವ, ಒಂದು ಎಕರೆ ವಿಸ್ತೀರ್ಣದ ಜಮೀನಾಗಿದ್ದು, ಬಗೆಬಗೆಯ ಜಮೀನುಗಳನ್ನು, ಅವುಗಳ ಮೌಲ್ಯವನ್ನು ನಿರ್ಧರಿಸುವುದಕ್ಕೆ, ಈ "ಪ್ರಮಿತಿ ಎಕರೆ"ಯೊಡನೆ ಹೋಲಿಸಿ ನೋಡಬಹುದಾಗಿರುತ್ತದೆ. ಕೆಲವು ರಾಜ್ಯಗಳಲ್ಲಿ, ಜಮೀನುಗಳ "ಸೆಟಲ್‌ಮೆಂಟ್" ಏರ್ಪಾಡಿನ ಕಾಲದಲ್ಲಿ ದಾಖಲ್ಮಾಡಿರುವ ಫಸಲುಗಳ ಲೆಕ್ಕದ ಆಧಾರದ ಮೇಲೋ ಅಥವಾ ದೊರೆಯುವುದಾಗಿರತಕ್ಕ ಇತರ ಅಂಶಗಳ ಆಧಾರದ ಮೇರೋ ಜಮೀನಿನಲ್ಲಿ ಫಲಾನಾ ಪ್ರಮಾಣದ ಫಸಲು ಆಗುತ್ತದೆಯೆಂಬುದನ್ನನುಸರಿಸಿ "ಪ್ರಮಿತಿ ಎಕರೆ"ಯೆಂದರೇನೆಂಬುದನ್ನು ನಿರ್ಧರಿಸಲಾಗಿದೆ. ಇತರ ಕೆಲವು ರಾಜ್ಯಗಳಲ್ಲಿ, ಬೇರೆ ಬೇರೆ ಜಮೀನುಗಳಿಗೆ ಯಾವ ಯಾವ ಬಗೆಯ ನೀರಾವರಿ ದೊರೆಯುತ್ತಿದೆಯೆಂಬುದನ್ನು ಅನುಸರಿಸಿ, "ಪ್ರಮಿತಿ ಎಕರೆ"ಯೆಂದರೇನೆಂಬುದನ್ನು ನಿರ್ಧರಿಸಲಾಗಿದೆ; ಅಥವಾ ಫಲಾನಾ ಮೊಬಲಗಿನ ಕಂದಾಯವು ವಸೂಲಾಗುತ್ತಿರುವ ಅಥವಾ ಫಲಾನಾ ದರಗಳ ಗುತ್ತಿಗೆ ದೊರೆಯುವ ಜಮೀನು "ಪ್ರಮಿತಿ ಎಕರೆ" ಜಮೀನು ಎಂದು ನಿರ್ಧರಿಸಲಾಗಿದೆ. ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ, ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ದೃಷ್ಟಿಗಳನ್ನು ಒಟ್ಟಿಗೆ ಗಮನಿಸಿ "ಪ್ರಮಿತಿ ಎಕರೆ" ಯೆಂದರೇನೆಂಬುದನ್ನು ನಿರ್ಧರಿಸಲಾಗಿದೆ. ಬೇರೆ ಬೇರೆ ರಾಜ್ಯಗಳವರು ಅಥವಾ ಪ್ರದೇಶಗಳವರು ಬೇರೆ ಬೇರೆ "ಪ್ರಮಿತಿ ಎಕರೆ"ಯನ್ನು ಗೊತ್ತುಮಾಡುವುದರಿಂದ, ಬೇರೆ ಬೇರೆ ಪ್ರದೇಶಗಳ "ಪ್ರಮಿತಿ ಎಕರೆ" ಗಳನ್ನು ಆಧಾರವಾಗಿಟ್ಟುಕೊಂಡು ಬೇರೆ ಬೇರೆ ರಾಜ್ಯಗಳ ಅಥವಾ ಪ್ರದೇಶಗಳ ಜಮೀನುಗಳನ್ನು ಹೋಲಿಸುವುದಕ್ಕಿಂತ ಮುಂಚಿತವಾಗಿ, ವಿಷಯವನ್ನು ಹೆಚ್ಚು ಕೂಲಂಕಷವಾಗಿ ಅಧ್ಯಯನಮಾಡಬೇಕಾಗುವುದು. ಆದರೆ, ಜಮೀನುಗಳನ್ನು ಪುನರ್ವಿಂಗಡಣೆಮಾಡುವ ಅಥವಾ ಬೇರೆ ರೀತಿ ಹಂಚುವ ಯಾವುದೊಂದು ಕಾರ್ಯಕ್ರಮವನ್ನೇ ಆಗಲಿ ಒಂದೇ ರಾಜ್ಯದಲ್ಲಿ ಅಥವಾ ಪ್ರದೇಶದಲ್ಲಿ ಕೈಕೊಂಡು ನಡೆಸುವುದಕ್ಕೆ ಈಗ ಅನೇಕ ರಾಜ್ಯಗಳವರು ಕಂಡುಹಿಡಿದಿರುವಂಥ ಮೌಲ್ಯ ನಿರ್ಧಾರಣೆಯ ಏರ್ಪಾಡು, ಬಹು ಮುಖ್ಯವಾದ, ಅವಶ್ಯಕವಾದ ಸಾಧನವಾಗಿರುತ್ತದೆ. ಮುಂದೆ ಕಾಲಕ್ರಮದಲ್ಲಿ ಸಂಶೋಧನೆಗಳನ್ನು ನಡೆಸಿ, ಒಟ್ಟು ದೇಶಕ್ಕೇ ಅನ್ವಯಿಸುವಂಥ "ಪ್ರಮಿತಿ ಎಕರೆ" ಯನ್ನು ನಿರ್ಧರಿಸುವ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಕೈಕೊಳ್ಳಾವುದಕ್ಕೂ, ಆ ಪ್ರಮಾಣದ ಎಕರೆಯೊಡನೆ ಇತರ ಬೇರೆ ಬೇರೆ ಪ್ರದೇಶಗಳ "ಪ್ರಮಿತಿ ಎಕರೆ" ಗಳನ್ನು ಹೋಲಿಸಿ ನೋಡುವಂತಾಗುವುದೂ ಸಾಧ್ಯವಾಗಬಹುದು.

ANNEXURE II.

(Extracts from the Bombay Tenancy and Agricultural Lands Act, 1948)

MANAGEMENT OF ESTATES HELD BY LANDHOLDERS.

44. *Power to assume management of landholder's estate.*—Notwithstanding any law for the time being in force, usage or custom or the terms of contract or grant, when the *[State] Government is satisfied that on account of the neglect of a landholder or disputes between him and his tenants, the cultivation of his estate has seriously suffered, or when it appears to the *[State] Government that it is necessary †[for the said purpose or for the purpose of] ensuring the full and efficient use of land for agriculture, to assume management of any landholder's estate, a notification announcing such intention shall be published in the Official Gazette, and the Collector shall cause notice of the substance of such notification to be given at convenient places in the locality where the estate is situated. Such notification shall be conclusive.

45. *Vesting of estate in management.*—‡[(1) On the publication of the notification under section 44, the estate in respect of which the notification has been published shall, so long as the management continues, vest in the *[State] Government. Such management shall be deemed to commence from the date on which the notification is published and the §[State] Government shall appoint a Manager to be in charge of such estate.]

¶[(2) Notwithstanding the vesting of the estate in the State Government under sub-section (1), the tenant holding the lands on lease comprised in the estate shall, save as otherwise provided in this Chapter, continue to have the same rights and shall be subject to the same obligations, as they have or are subject under the preceding Chapters in respect of the lands held by them on lease.]

46. *Effect of declaration of management.*—On the publication of the notification under section 44, the following consequences shall ensue :—

(1) All proceedings then pending in any Civil Court in respect to the debts and liabilities enforceable against the estate shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended ;

(2) So long as the management continues no fresh proceedings, processes, executions or attachments shall be instituted in or issued, enforced or executed by any Civil Court in respect of such debts and liabilities ;

(3) So long as the management continues the holder of the estate shall be incompetent—

(*a*) to enter into any contract involving the estate in pecuniary liability,
(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or
(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom :

Provided that nothing contained in this section shall be deemed to preclude the Manager from letting and the holder from taking the whole or a part of such estate on such terms consistent with this Act as may be agreed upon between the parties ;

---

* This word was substituted for the word " Provincial" by the Adaptation of Laws Order, 1950.

† These words were substituted for the words " for the purpose of improving the economic and social condition of peasants or " by Bom. 33 of 1925, s. 11.

‡ Section 45 was renumbered as sub-section (1) of the said section by Bom. 33 of 1952, s. 12.

§ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

¶ Sub-section (2) was added by Bom. 33 of 1952, s. 12.

(4) So long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease or alienate such estate or any part thereof.

47. *Manager's powers.*—(1) The Manager shall during the management of the state have all the powers which the holder thereof might as such have exercised and shall receive and recover all rents and profits due in respect of the property under management.

(2) For the purposes of recovering such rents and profits the Manager shall have, in addition to any powers possessed by the holder, all the powers possessed by the Collector uuder the law for the time being in force for securing and recovering land revenue due to Government.

48. *Manager to pay costs of management, etc.*—(1) From the sums received or recovered under section 47, the Manager shall pay—

(i) the costs of management including the costs of necessary repairs;

(ii) the Government revenue and all debts and liabilities for the time being, due or incurred to the *[Government] in respect of the property under management;

(iii) the rent, if any, due to any superior holder in respect of the said estate;

(iv) such periodical allowance as the Collector may from time to time fix for the maintenance and other expenses of the holder and of such members of his family as the Collector directs;

(v) the costs of such improvements of the said estate as he thinks necessary and as approved by the Collector.

(2) The residue shall be retained by the Manager for the liquidation, in the manner hereinafter provided, of the debts and liabilities other than those mentioned in sub-section (1) and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the Manager under this Act. The balance, if any, shall be paid to the holder.

49. *Notice to claimants.*—On the publication of the order of management, the Manager shall publish in the Official Gazette, a notice calling upon all persons having claims against the estate under management to notify the same in writing to such Manager within two months from the date of the publication. He shall also cause copies of such notice to be exhibited at such several places as he thinks fit.

50. *Claim to contain full particulars.*—(1) Every such claimant shall, along with his claim, present full particulars thereof.

(2) Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

(3) If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comprising the copy with the original, shall return the book to the claimant.

(4) If any document in possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

* This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

51. *Claim not duly notified to be barred.*—Every such claim other than the claim of the * [Government] not informed to the Manager within the time and in the manner required by such notice shall, except as provided hereinafter, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that when proof is made to the Manager that the claimant was unable to comply with the provisions of section 49, the Manager may receive such claim within the further period of two months from the expiration of the original period of two months.

52. *Determination of debts and liabilities.*—The Manager shall inquire into the history and merits of every claim received under preceding sections and shall, in accordance with the rules to be made under this Act determine the amount of the debts and liabilities, if any, justly due to the several claimants.

53. *Power to rank debts and fix interest.*—If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest, if any, to be paid thereon, respectively from the date of the final decision thereon, to the date of the payment and discharge thereof.

54. *Scheme for liquidation.*—When the total amount of the debts and liabilities including those due and incurred to the *[Government] has been finally determined, the Manager shall prepare and submit to the Collector a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

55. *Provisions of scheme.*—Every liquidation scheme shall further provide for the continuance of the payments to be made by the Manager and for the repayment of money, if any, which the Manager proposes to borrow from Government under this Act and may provide for the improvement of the estate under management either from the said income or with the aid of the funds raised as aforesaid or partly in one of such ways and partly in the other.

56. *Effects of sanctioning scheme.*—When the Collector sanctions the liquidation scheme, he shall notify the fact of such sanction at such place and in such manner as the †[State] Government may from time to time by rule direct; and thereupon—

(*i*) all proceedings, processes, executions and attachments stayed or suspended under section 46 shall be for ever barred;

(*ii*) every debt or liability due or owing to any person which was provable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation scheme the amount, if any, finally awarded to him under the preceding sections in respect of such debt or liability.

57. *Power to remove mortgagee in possession.*—(1) If the estate under management or any part thereof be in the possession of a mortgagee or a conditional vendee, the Manager, at any time after the liquidation scheme has been sanctioned as aforesaid, may by an order in writing require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

* This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.
† This word was substituted for the word " Provincial ", *ibid.*

(2) If such incumbrancer refuses or neglects to obey such order, the Manager may without resorting to a Civil Court enter upon the property and summarily evict therefrom the said incumbrancer or any other person obstructing or resisting on his behalf.

(3) Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation scheme the amount, if any, awarded to him under this Act.

58. *Power to sell or lease.*—Subject to the rules made under this Act, the Manager after the liquidation scheme has been sanctioned as aforesaid, shall have power to sell or grant on lease all or any part of the estate under the management:

Provided that the estate or any part thereof shall not be sold or leased for a period exceeding ten years without the previous permission of the Collector:

Provided further that the Collector shall not give such permission unless he is satisfied that such sale or lease is necessary for the benefit of the estate *[or unless such sale is in favour of †[a tenant under section 32 32 F, 32 I or 32 O]. The decision of the Collector shall be final.

59. *Manager's receipt a discharge.*—The Manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom or from being concerned to see to the application thereof.

60. *Holder of estate dying.*—(1) If the holder of the estate dies after the publication of the order of management, the management shall continue and proceed in all respects as if the holder were still living.

(2) Any person succeeding to the whole or any part of the estate under management shall, while such management continues, be subject in respect of such estate to the disabilities imposed under this Act.

(3) No Civil Court shall, during the continuance of the management, issue any attachment or other process against any portion of the estate under management for or in respect of any debt or liability incurred by any such person either before or after his said succession.

61. *Termination of management.*—The ‡[State] Government, when it is of opinion that it is not necessary to continue the management of the estate, by order published in the Official Gazette direct that the said management shall be terminated. On the termination of the said management, the estate shall be delivered into the possession of the holder, or if he is dead, of any person entitled to the said estate together with any balances which may be due to the credit of the said holder. All acts done or purporting to be done by the Manager during the continuance of the management of the estate shall be binding on the holder or to any person to whom the possession of the estate has been delivered.

62. *Manager deemed to be public servant.*—The Manager appointed under this Chapter shall be deemed to be a public servant under section 21 of the Indian Penal Code (XLV of 1860.)

---

* These words and figures were inserted by Bom. 33 of 1952, s. 13.

† These words, figures and letter were substituted for the words and figures "a protected tenant under section 32" by Bom. 13 of 1956, s. 31.

‡ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

APPENDIX III

Distribution list of Tenancy Questionnaire

(1) All Legislative Assembly and Legislative Council members of Mysore State.

(2) All members elected to the Rajya Sabha and Lok Sabha from Mysore State.

(3) All Bar Associations in Mysore State.

(4) Principals of selected colleges in Mysore State.

(5) Landlords, Associations of tenants, and other individuals or institutions interested in tenancy and land reforms.

(6) The Chief Secretary and all other Secretaries of Mysore Government.

(7) The Divisional Commissioners of Mysore, Bangalore, Gulbarga and Belgaum Divisions.

(8) All I. A. S. officers of the Mysore State.

(9) All Deputy Commissioners/Collectors of Districts in Mysore State.

(10) All Sub-divisional Officers/Prant Officers in Mysore State.

(11) All Mamlatdars/Amildars/Tahsildars/Subedars in Mysore State.

(12) Other persons who asked for a copy of the questionnaire.

In addition spare copies were sent to all Mamlatdars/Amildars/Tahsildars/ Subedars in the State with a request to distribute copies as widely as possible. A specific request was made that copies should be given to the former and sitting members of the Parliament and the State Legislature, District Boards, important associations, political parties, local Bar Associations and important Village Panchayats.

APPENDIX IV

Statement showing the places visited by the Mysore Tenancy Agricultural Land Laws Committee.

Date	*District*	*Taluk and/or village visited.*
29-5-1957	Coorg	Mercara
30-5-1957	...	Gowdhally
		Somawarpet
		Arjee
		Virajpet
31-5-1957	South Kanara	Aryapu
		Puttur
		Buntwal Muda
1-6-1957	..	Mangalore
2-6-1957	...	Gurpur
		Karkal
		Mudradi
		Koteshwar
		Coondapur
4-6-1957	North Kanara	Kandgod
		Sirsi
		Kumta
		Gokarn
5-6-1957	Do	Karwar
		Binaga
		Kinnar
6-6-1957	Do	Ankola
		Ondage
22-6-1957	Mandya	Mandya
	Mysore	Kollegal
23-6-1957	Mysore	Nanjangud
		Mysore
24-6-1957	Mandya	Baburayana Koppal
26-6-1957	Kolar	Kolar
		Nagamangala (Siddlaghatta taluk)
		Vakkaner
27-6-1957	Tumkur	Tumkur
		Nagavalli
		Kunigal
29-6-1957	Hassan	Hassan
		Gorur
		Belur
30-6-1957	Chickmagalur	Chickmagalur
		Aldoor
8-7-1957	Bijapur	Bagalkot
		Bijapur
9-7-1957	Bijapur	Jamkhandi
	Belgaum	Chickodi
		Belgaum
10-7-1957	Dharwar	Dharwar
		Gadag
		Bankapur

APPENDIX IV—(*concld*).

Date	*District*	*Taluk and/or village visited*
11-7-1957	Dharwar	Haveri
11-7-1957	Chitaldrug	Guttur (Harihar Taluk)
		Chitaldrug
27-7-1957	Shimoga	Shimoga
		Tirthahalli
		Sagar
28-7-1957	Shimoga	Sorab
		Koopagadde
		Shikarpur
30-7-1957	Gulbarga	Gulbarga
31-7-1957	Gulbarga	Aland
		Mahagaon
	Bidar	Humnabad
		Bidar
2-8-1957	Raichur	Raichur
		Sindhnoor
		Gangavati
		Koppal
3-8-1957	Bellary	Kamalapur
		Hospet
		Sandur
4-8-1957	Bellary	Bellary
		Siruguppa
12-8-1957	Bangalore	Kanakapura
		Channapatna
		Ramanagaram

APPENDIX V

Compensation payable to the landowners in various States for lands whose ownership passes on to the tenants.

Andhra Pradesh	...	Only in Telengana area, the right is available to protected tenants. They can purchase upto one family holding provided the owner is left with two family holdings. Compensation varies between 6 to 15 times the rent according to the class of soil.
Madhya Pradesh	...	(1) Areas from former Madhya Pradesh State. The compensation is 7 times the rent for acquiring Bhoomidari rights and 10 times for Bhoomiswami rights. (2) Areas from former Madhya Bharat area. Sub-tenants and their tenants in Jamindari and Jagirdhari areas have the right. The compensation is 2 to 8 times the net income of the landlord. (3) Areas from former Vindhya Pradesh. A tenant may purchase upto 10 acres (upper limit on the total land to be held not to exceed 30 acres) provided an owner is left with 30 acres. The price is 15 times the rent. Provision has been made for payment in instalments which vary from State to State.
Punjab	...	Tenants of non-resumable area in continuous possession for 6 years have the right. The price is 3/4th of the market value except in PEPSU area. Pepsu area—Tenants of non-resumable area may purchase ownership. Compensation is 90 times the land revenue, but not exceeding Rs. 200 per acre.
Rajasthan	...	The right is available to sub-tenants in an area not exceeding a minimum holding. Except in Ajmer the price is to be between 25 to 50 per cent of the market value depending upon the length of tenant's possession plus cost of improvement. In Ajmer the right is available in the Khalsa area to tenants holding lands under permanent rights. The price is 12 times the hereditary rate of rent. In intermediary area of Ajmer sub-tenants and tenants of home farm lands in possession for three or more become owners without payment of compensation.
Himachal Pradesh	...	Tenants of non-resumable area have the right. Price is 48 times the land revenue for non-occupancy tenants.

APPENDIX VI

Distribution of Land Holdings according to Size Groups of Area Owned in Mysore State.

District	Up to 5 acres		Exceeding 5 acres but not exceeding 10 acres		10 to 15 acres		15 to 30 acres		30 to 45 acres		45 to 60 acres	
	No. of holdings	Area	No. of holdings	Area	Number	Area	Number	Area	Number	Area	Number	Area
1	2	3	4	5	6	7	8	9	10	11	12	13
1 Bangalore ...	75,654	1,67,836	23,716	2,18,619	6,998	83,908	5,620	1,18,064	1,163	41,711	395	21,415
2 Kolar ...	85,979	1,96,291	24,215	1,63,649	5,881	70,450	4,921	97,256	941	32,849	319	15,779
3 Tumkur ...	81,508	1,95,385	34,962	2,45,237	12,812	1,40,309	12,190	2,52,979	2,986	1,07,504	1,264	58,825
4 Chitaldrug ...	32,678	93,970	22,639	1,61,789	14,889	1,82,857	19,133	4,03,563	6,326	2,31,478	2,629	1,35,377
5 Shimoga ...	32,955	80,395	15,246	1,07,352	7,569	90,408	8,271	1,46,562	1,855	64,662	641	31,988
6 Chikmagalur ...	16,558	44,673	10,513	74,527	4,804	58,675	4,887	99,343	1,216	43 368	465	24,154
7 Hassan ...	50,428	1,23,848	22,936	1,60,129	6,688	81,300	5,725	1,17,105	1,168	42,311	418	21,869
8 Mysore ...	74,925	1,82,366	30,220	2,10,792	11,163	1,36,358	7,040	1,39,750	1,558	56,805	438	22,373
9 Mandya ...	65,488	1,43,150	19,963	1,35,663	4,652	55,365	2,899	56,398	885	13,893	93	4,716
10 Bellary ...	34,604	87,616	23,892	1,68,122	12,193	1,47,568	14.553	3,01,124	11,335	1,48,403	1,576	79,922
11 Gulbarga ...	54,018	1,50,407	49,856	3,67,679	33,697	4,13,615	47,280	9,98,045	16,191	6,83,697	6,368	3,27,529
12 Raichur ...	48,269	1,46,574	49,532	3,76,757	33,066	4,05,291	42,882	9,02,573	12,707	4,63,601	4,533	2,34,579
13 Bidar ...	29,994	64,290	16,742	1,25,429	10,919	1,37,443	15,423	3,26,516	5,377	1,95,447	2,238	1,14,678
14 Dharwar ...	1,13,571	2,76,483	60,697	4,28,278	29,838	3,67,885	34,331	7,16,634	9,432	3,41,470	3,495	1,81,800
15 North Kanara ...	76,132	98,524	11,139	78,541	4,020	48,731	3,148	63 694	699	21,553	217	11,397
16 Bijapur ...	68,845	1,95,134	49,127	3,46,159	30,589	3,98,753	47,876	10,14,566	15,679	5,69,499	6,923	3,55,693
17 Belgaum ...	1,43,795	3,20,900	56,216	3,98,534	25,159	3,18,043	28,685	6,02,946	7,978	2,89,572	2,906	1,48,896
18 South Kanara ...	42,821	67,959	12,334	88,673	7,437	91,518	10,928	2,30,046	4,272	1,55,368	1,946	1,00,414
19 Coorg ...	4,21,121	1,27,790	6,659	54,447	1,040	15,751	876	21,826	264	9,788	145	6,795
Total ...	11,64,834	27,63,691	5,40,554	39,15,376	2,63,364	32,44,228	3,16,658	66,03,990	1,01,482	34,12,979	37,009	18,98,419
Percentage to the total .	47·16	10·32	21·89	14·62	10·67	12·11	12·91	24·66	4·11	12·75	1·51	7·09

Appendix VI—(*contd.*)

District	60 to 75		75 to 100		100 to 150		150 to 200		200 to 300	
	Number	Area	Number	Area	Number	Area	Number	Area	Number	Area
	14	15	16	17	18	19	20	21	22	23
1. Bangalore	172	11464	124	10494	95	12080	26	4641	22	5604
2. Kolar	135	8853	92	7733	60	6984	36	4042	12	2980
3. Tumkur	478	32152	342	29005	240	29156	77	13004	68	15860
4. Chitaldrug	1168	77125	863	73025	565	67587	160	26976	91	21522
5. Shimoga	318	20914	255	20581	211	26334	67	11259	60	14798
6. Chikmagalur	212	14200	205	17521	171	19401	70	11909	73	18918
7. Hassan	161	10558	152	12545	105	12554	40	6701	17	3685
8. Mysore	181	12042	122	10482	78	9390	22	3819	22	5398
9. Mandya	41	2689	20	1676	20	2424	2	372	...	...
10. Bellary	764	50796	558	46933	404	45959	153	26764	73	17698
11. Gulbarga	2963	195084	2300	195469	1444	171625	325	54280	174	41907
12. Raichur	2068	140921	1658	144660	808	97257	211	35582	102	25105
13. Bidar	949	62448	707	57989	435	51624	96	16114	45	10824
14. Dharwar	1534	101669	1110	97340	785	89215	200	34317	141	36711
15. North Kanara	69	4532	59	5010	35	4111	11	1879	5	1184
16. Bijapur	3086	207249	2435	202006	1407	172147	449	83832	892	60794
17. Belgaum	1173	78163	827	72190	512	60846	162	28233	97	23683
18. South Kanara	1081	71926	1072	91733	940	113680	370	63822	327	77820
19. Coorg	80	4720	80	5882	93	9721	34	4691	42	8832
Total ...	16633	1107525	12981	1102274	8358	1002395	2511	432287	1678	393263
Percentage to the total ...	0.66	4.13	0 53	4 11	0.84	3.74	0.10	1.61	0.07	1.47

Appendix VI—(*concld.*)

	District	300 to 500		500 to 1000		Above 1000 acres		Total	
		No.	Area	No.	Area	No.	Area	No.	Area
		24	25	26	27	28	29	30	31
1	Bangalore ...	13	5,816	...	...	1	1,285	1,13 999	6,97,937
2	Kolar ..	5	1,746	...	...	...	...	1,22,696	6,13,612
3	Tumkur ...	16	5,785	10	9,473	1	1,441	1,46,964	11,36,365
4	Chitaldrug ...	26	9,687	10	6 523	1	1,868	1,01,178	14.93,347
5	Shimoga ...	25	9,366	10	6,784	2	2,793	67,485	6,24,196
6	Chikmagalur ...	87	13,486	40	27,336	11	17,323	39,262	4,84,834
7	Hassan ...	7	2,755	6	3,862	1	7,114	87,862	6,06,356
8	Mysore ...	5	2,046	...	...	3	3,794	1,26,658	7,95,355
9	Mandya ...	1	363	1	600	...	...	39,565	4,17,309
10	Bellary ...	60	23,928	13	8,530	2	4,660	1,00,180	11,58,023
11	Gulbarga ...	88	82,039	37	25,290	10	24,757	2,14,751	85,81,423
12	Raichur ...	42	14 820	23	14,218	11	25,092	1,95.912	30,27,030
13	Bidar ..	18	7,008	12	8,774	3	4,066	76,958	11,82,650
14	Dharwar ...	74	27,635	28	19,621	6	9 019	2,55.092	27,28,297
15	North Kanara ...	6	1,950	1	503	1	10,11	95,442	3,42,620
16	Bijapur ...	132	50,018	50	34,040	26	45,421	2,26,676	87,35,311
17	Belgaum ...	42	15,661	39	37,567	19	67,743	2,67,610	24,62,977
18	South Kanara ..	209	78,781	76	48 623	42	86,473	33,855	13,66,896
19	Coorg ...	32	8 929	23	11,175	13	21,772	51,523	3,12,119
	State ..	838	3,11,969	379	2,62,919	153	3,25.632	24,66,877	2,67,76,797
	Percentage ...	0·03	1·17	0.01	0·98	0·005	1·22	...	...

APPENDIX VI-A.

Distribution of Area Leased Out in Each Size Group of Area Owned in Mysore State.

District	Up to 5 acres		Exceeding 5 acres but not exceeding 10 acres.		10—15		15—30		30 to 45	
	Total area owned in this group	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out
1	2	3	4	5	6	7	8	9	10	11
1. Bangalore	167836	2700	218619	56260	83908	5638	113064	11060	41711	6989
2. Kolar	196291	5157	168649	5066	70450	4609	97256	9693	32849	5107
3. Tumkur	195385	5911	245237	1765	140369	9202	252979	14709	107504	10626
4. Chitaldrug	93970	3508	161789	4629	182857	11602	403563	23062	231478	10176
5. Shimoga	80395	5138	107362	135589	90408	10469	146562	22152	64662	14241
6. Chikmagalur	44673	1728	74527	4095	58675	3300	99343	7034	43363	4699
7. Hassan	123848	4019	160129	2088	81300	2279	117105	3154	42311	1612
8. Mysore	182366	4028	210792	5762	136368	8561	139750	10057	56805	7485
9. Mandya	143150	1703	135663	1302	55365	2450	56398	4899	13893	2671
10. Bellary	87616	1262	168122	2245	147568	13564	301124	21133	148403	11027
11. Gulbarga	150107	20105	367679	76865	413615	97447	998045	261056	583697	155258
12. Raichur	146574	19692	376757	52844	405291	57780	902573	160904	463601	107458
13. Bidar	64290	13055	125429	23109	137443	27526	326516	57207	195447	26757
14. Dharwar	276483	58716	428278	87378	367885	58650	716534	118547	341470	60416
15. North Kanara	98524	45533	78541	38365	48731	28289	63694	40340	21553	17791
16. Bijapur	195134	78410	346159	118178	398753	131122	1014566	311614	569499	207260
17. Belgaum	320900	45243	398534	398326	318043	39364	602946	84997	289572	41419
18. South Kanara	67959	15001	88673	27003	91518	31073	230046	101027	155368	94081
19. Coorg	127790	14590	54447	39284	15751	1578	21826	2671	9788	912
Total ...	2763591	345499	3915376	598163	3244228	544503	6603990	1265316	3412979	765985

APPENDIX VI-A—(*contd.*)

District	45—60		60—75		75—100		100—150		150—200		200—300	
	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out
—	12	13	14	15	16	17	18	19	20	21	22	23
1. Bangalore ...	21,415	6,516	11,464	3,998	10,494	1,826	12,080	5,489	4,641	2,836	5,604	4,303
2. Kolar ...	15,779	3,643	8 863	1,839	7,733	2,410	6,984	2,135	4,042	1,217	2,980	952
3. Tumkur ...	58,825	6,957	32,152	4,869	29,005	4,964	29,456	6,812	13.004	4,459	15 860	7,144
4. Chitaldrug ...	1,35,377	7,596	77,125	5,630	73,025	4,583	67,687	6,430	26,976	5,437	21,522	3,037
5. Shimoga ...	31,938	9,315	20,914	6,585	20,581	6,557	26,334	11,563	11.259	6,085	14,798	6,735
6. Chikmagalur ...	24,164	4,537	14,200	2,495	17,521	2,878	19,401	2,973	11,909	1,691	18,918	2.032
7. Hassan ...	21,889	884	10,553	796	12,545	1,032	12,554	507	6,701	235	3,685	464
8. Mysore ...	22,373	3,815	12,042	2.044	10,482	2,054	9,390	2,502	3,819	1,244	5,838	1,327
9. Mandya ...	4,716	1,723	2,689	1,147	1,676	712	2,424	1,091	372	220	...	...
10. Bellary ...	79,922	6,403	50,796	4,577	46,933	3,913	45,959	6,232	26,764	4,104	17,698	3,419
11. Gulbarga ...	3,27,529	90,309	1,95,084	56,500	1.95,469	62,987	1,71,625	63,922	54,280	22,029	41,907	23,093
12. Raichur ...	2,34,579	46,098	1,40,921	37,632	1,44,660	45,612	97,257	24,853	35,582	12,234	25,105	12,701
13. Bidar ...	1,14,678	16,463	62.448	10,521	57,939	9,614	51,624	12,163	16,114	4,877	10,824	8,442
14. Dharwar ...	1,81,800	29,723	1,01,689	20,997	97,340	34,824	89,215	25,267	34,317	7,538	36,711	16,764
15. North Kanara ...	11,3.7	8,690	4,522	1,805	5,010	1,950	4,111	2,986	1,879	965	1,184	610
16. Bijapur ...	3,55,693	1,46,731	2,07,249	1,08,276	2,02,006	1,19,079	1,72,147	1,06,125	83,832	57,571	60,794	29,571
17. Belgaum ...	1,48,896	21,819	78,163	12.756	72,190	13,899	60,846	11,879	28.238	7,963	23,683	3,807
18. South Kanara ...	1,00,414	73,129	71,926	58,893	91,733	80,600	1,13,680	1,08,531	63,822	62,650	77,820	76,742
19. Coorg ...	6,795	745	4,720	751	5,882	784	9,721	597	4,691	64	8,832	826
Total ...	18,98,419	4,85,086	11,07,525	3,42,111	11,02,274	4,00,228	10,02,395	4,02,147	4,32,237	2,04,419	3,93,263	1,96,969

APPENDIX VI-A—(*concld.*)

District	300—500		500—1,000		Above 1,000 acres		Total		Percentage land leased out to land owned
	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	Area owned	Area leased out	
	24	25	26	27	28	29	30	31	32
1. Bangalore	5,816	3,657	...	...	1,285	4	6,97,937	1,11,276	15·94
2. Kolar	1,746	1,133	...	...	...	...	6,13,612	42,971	7·00
3. Tumkur	5,735	3,129	9,473	8,179	1,441	292	11,36,365	89,018	7·83
4. Chitaldrug	9,687	2,818	6,523	2,695	1,868	1,144	14,93,347	92,347	6·18
5. Shimoga	9,366	5,427	6,784	3,231	2,793	1,465	6,34,196	1,22,542	19·32
6. Chikmagalur	13,486	1,621	27,336	7,280	17,923	2,978	4,84,834	49,341	10·18
7. Hassan	2,755	65	3,662	722	7,114	...	6,06,356	17,857	2·84
8. Mysore	2,046	...	...	...	3,794	816	7,95,355	49,695	6·25
9. Mandya	363	...	600	11	...	...	4,17,309	17,929	4·30
10. Bellary	23,928	4,230	8,530	3,753	4,660	2,759	11,58,023	88,621	7·65
11. Gulbarga	32,039	22,664	25,290	20,809	24,757	23,485	35,81,423	9,97,529	27·85
12. Raichur	14,820	5,293	14,218	10,425	25,092	14,350	30,27,030	6,07,876	20·08
13. Bidar	7,003	6,261	8,774	7,947	4,066	2,428	11,82,850	2,21,370	18·71
14. Dharwar	27,835	14,098	19,621	10,448	9,019	7,549	27,28,297	5,51,015	20·17
15. North Kanara	1,951	1,035	503	214	1,011	506	3,42,621	1,89,069	55·18
16. Bijapur	50,018	16,733	34,040	26,092	45,421	45,036	37,35,311	15,01,798	40·20
17. Belgaum	15,661	7,101	37,667	19,690	67,743	33,136	24,62,977	3,81,409	15·49
18. South Kanara	78,781	77,957	48,623	48,035	86,473	86,473	13,66,836	9,41,195	65·86
19. Coorg	8,929	359	11,175	99	21,772	115	3,12,119	63,325	20·29
Total ...	3,11,969	1,73,581	2,62,919	1,69,680	3,25,632	2,22,586	2,67,76,797	61,36,17	...

APPENDIX VII

Population according to livelihood category—districtwise (1951)

District	Owner Cultivators	Per-centage	Tenant Cultivators	Percentage	Agricultural Labourers	Percentage	Non-Cultivating Owners	Percentage	Total Agricultural Population	Per-centage	Total Non-Agri-cultural Population	Per-centage	Grand Total
Bangalore ..	8,15,354	38.3	69,302	3.3	98,489	4.6	36,575	1.7	1,019,720	47.9	1,107,341	52.1	2,127,061
Kolar ..	6,92,328	61.3	38,590	3.4	56,835	5.0	29,545	3.0	817,298	72.3	312,577	27.7	1,129,875
Tumkur ..	8,23,683	71.5	40,471	3.5	62,924	5.5	35,831	3.1	962,909	83.6	188,453	16.4	1,151,362
Mysore ..	7,72,191	54.2	75,646	5.3	119,644	8.4	50,293	3.5	1,017,774	71.4	405,905	28.6	1,423,679
Mandya ..	5,42,268	75.6	20,228	2.8	32,773	4.6	14,558	2.0	609,827	85.0	107,718	15.0	717,545
Chitaldurg ..	4,98,183	57.4	33,054	3.8	96,683	11.1	32,486	3.7	660,406	76.0	207,964	24.0	868,370
Hassan ..	5,13,803	71.8	18,474	2.6	43,418	6.1	22,179	3.1	597,874	83.6	117,261	16.4	715,135
Chikmagalur ..	2,02,750	48.6	35,154	8.4	52,249	12.5	13,634	3.3	303,787	72.8	113,751	27.2	417,538
Shimoga ..	2,61,325	39.4	111,780	16.9	69,362	10.5	29,977	4.5	472,444	71.3	190,871	28.7	663,315
Bellary ..	3,85,889	49.9	44,841	5.8	94,585	12.2	24,036	3.1	549,351	71.0	224,361	29.0	773,712
Dharwar ..	6,05,698	38.5	142,306	9.0	285,227	18.1	55,081	3.5	1,088,312	69.1	487,074	30.9	1,575,386
Belgaum ..	7,54,636	45.8	227,845	13.8	192,391	11.7	54,567	3.3	1,229,439	74.6	416,956	25.4	1,646,395
Bijapur ..	6,78,966	48.6	100,009	7.2	230,581	16.5	40,190	2.9	1,049,746	75.2	346,439	24.8	1,396,185
North Kanara..	81,990	15.8	181,239	35.0	45,831	8.9	16,281	3.1	325,341	62.8	192,439	37.2	517,780
Raichur ..	5,59,302	58.7	41,179	4.3	94,377	9.9	42,126	4.4	736,984	77.3	216,656	22.7	953,640
Gulbarga ..	5,95,934	49.2	86,989	7.2	184,444	15.2	75,811	6.2	943,178	77.8	268,858	22.2	1,212,036
Bider ..	2,43,298	44.1	32,405	5.9	121,378	21.9	25,529	4.6	422,610	76.5	129,531	23.5	552,141
South Kanara..	1,37,436	10.3	490,571	36.9	199,352	15.0	53,554	4.0	880,913	66.2	450,004	33.8	1,330,917
Coorg ..	77,538	33.8	23,071	10.1	24,533	10.7	7,188	3.1	132,330	57.7	97,075	42.3	229,405
Total ..	92,42,572	47.6	1,813,154	9.3	2,105,076	10.9	659,441	3.4	13,820,243	71.2	5,581,234	28.8	19,401,477

APPENDIX VIII.

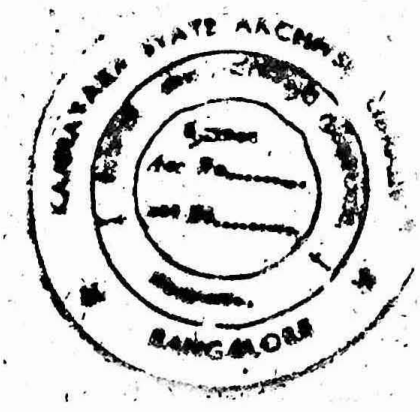
Rent Regulation in various States.

Andhra Pradesh	
Old Andhra areas.	The rent is not to exceed 50 per cent of the gross produce for irrigated lands and 45 per cent of the produce for dry lands. Attention of the State Government has been invited to the recommendation in the plan and they have been requested to reduce the rent to 1/4th or 1/5th of the gross produce.
Telengana area	1/4th of the gross produce for irrigated lands other than well irrigated lands) and 1/5th in other cases. There is also a provision for fixation of maximum rent as multiple of land revenue, the multiples varying from (3 to 5 times according to the class of soil.
Assam	The crop share is not to exceed one-fifth if the crop-sharer supplies plough, cattle, etc., and one-fourth if the landlord provides plough cattle, etc.
	In case of cash rent, it is not to exceed by more than 50 per cent of the rent payable by the landlord in the temporarily settled areas and 100 per cent in the permanently settled areas.
Bihar	*Produce rent.*—7/20th of the gross produce.
Bombay	*Cash rent.*—Not to exceed by more than 50 per cent of the rent payable by the landlord if the tenancy is held under a registered lease, in other cases 25 per cent.
Bombay area (prior to Reorganisation).	The maximum rent is not to exceed 1/6th of the produce or 5 times the land revenue *plus* assessment and cesses whichever is less.
Marathwada (Old Hyderabad area)	As in Telengana area of Andhra Pradesh mentioned above.
Berar area	5 times the land revenue.
Saurashatra area.	Not regulated.
Kutch area ...	1/3rd of the gross produce for dry lands and 1/4th for irrigated lands.
Jammu and Kashmir	In case of owners holding above 12½ acres, 1/2 for wet lands and 1/3rd for dry lands : in case of small owners, half the produce.
Madras.	40 per cent of produce for irrigated lands ; 35 per cent where irrigation is supplemented by the lift irrigation and 33 1/3 per cent in other cases.
Kerala.	Rent not regulated.
Travancore-Cochin Malabar ...	Half the net produce for wet lands and 3 times the assessment for dry lands.
Madhya Pradesh.	
Former Madhya Pradesh area.	Rent not regulated.
Madhya Bharat area.	Twice the assessment. This applies in case of tenants who may be admitted after the enforcement of the law. Rents payable by tenants holding land at the commencement of the law not regulated.
Vindhya Pradesh area.	*Cash rent.*—4 times the land revenue in case of irrigated lands and 2 times for other lands.
	Produce rent.—1/3 of the produce for irrigated lands and 1/4th for other lands.
Bhopal area.	Rent not regulated.

Mysore.	
Mysore area (prior to Reorganisation).	1/3 of the gross produce in Maidan areas and 1/4th in Malnad areas.
Bombay area ...	1/6th of the gross produce as per details given above.
Hyderabad area ...	1/4th or 1/5th of the gross produce as detailed earlier.
Coorg area ...	1/3rd of the gross produce.
Madras area ...	40 per cent to 33·1/3 per cent as in Madras State.
Orissa.	*Produce rent.*—1/4th of gross produce (subject to a maximum of 4 standard maunds of paddy for dry lands and 6 standard maunds of paddy for wet lands).
	Cash rent.—As in Bihar
Punjab.	1/3rd of the gross produce.
Rajasthan.	
Former Rajasthan area.	1/6th of the gross produce.
Ajmer area ...	1/5th to 1/8th of the gross produce according to the nature of tenancy.
Uttar Pradesh.	In applications for commutation of produce rent into cash rent the rent is to be fixed at a rate not exceeding twice the hereditary rent. Produce rent is not regulated. (future letting of land has been prohibited except in the case of disabled persons. The above provisions apply to tenants of disabled persons).
West Bengal.	The share of the produce payable by a cropsharer is not to exceed 50 per cent of the produce if the landlord contributes the cost of cultivation and 40 per cent if he does not.
Delhi.	1/5th of the gross produce.
Himachal Pradesh	1/4th of the gross produce.
Manipur and Tripura	Rents not regulated at present. A provision is being made in the Land Reforms Bills for fixation of maximum rents.

WD 1529—GPB—1,000-31-10-58

KARNATAKA STATE ARCHIVES
BANGALORE

KSA LIBRARY, B'lore
B002408(1)
346.044 ACT 1957
II-34

238